



## **COMMONWEALTH OF MASSACHUSETTS**

**MIDDLESEX, SS.**

**TOWN OF MAYNARD**

Report, Budget, Recommendations, and Official Warrant

**ANNUAL TOWN MEETING**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the voters of said Maynard, to assemble in FOWLER SCHOOL AUDITORIUM, THREE TIGER DRIVE IN SAID town, on Monday, May 15, 2023 at 7:00 P.M. then and there to act on the following articles:

**SPECIAL NOTICE TO VOTERS**

Registration will begin by 6:45 pm, and the Meeting will begin promptly at 7:00 pm. The Maynard Finance Committee (FinCom) will hold a public hearing on Monday, May 8, 2023, at 7:00 pm as mandated by the Town Charter, to provide an opportunity for members of the Maynard community to ask questions or offer comments on any of the articles on the Town Meeting Warrant, including the proposed Town Budget. The intent of this public hearing is to allow Town Meeting voters to provide input and inform themselves more fully on the issues to be voted on at the May 15, 2023 Town Meeting. The FinCom public hearing will be held remotely via Zoom, with the meeting notice posted on the Town's website [www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov), including participation information.

NOTE: The FinCom meeting will be held remotely via Zoom, in accordance with Chapter 2 of the Acts of 2023, which includes an extension until March 31, 2025, of the remote meeting provisions of the Open Meeting Law. For the most-timely information on the agenda and location of, and how to participate in, any public hearing, please review

the information in the Meeting Notices for each meeting posted on the Town website:  
[www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov)

### ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, such as a wheelchair or signing for the hearing impaired, please contact the Office of the Select Board at (978) 897-1301 by May 8, 2023, in order that reasonable accommodations may be made.

### PROCEDURES AT TOWN MEETING

**Order of Articles:** Articles are voted on in the order they are presented unless Town Meeting votes to do otherwise.

**Secret Ballot Votes:** The Moderator determines whether an article requires a secret ballot according to Town By-laws. If the Moderator determines that an Open Vote applies to an article, at least 25 voters may request that a secret ballot vote be taken. The request for a secret ballot vote must be made prior to the open vote being taken.

**Amending an Article at Town Meeting:** Any time after a main motion has been made and seconded, but before being voted on, it is possible to amend the main motion:

1. Ask the Moderator for recognition.
2. Present a motion to amend verbally and submit a copy of the motion in writing to the Moderator. The motion to amend must include your name as sponsor, any change in appropriation and its source.
3. The motion to amend must be seconded.
4. The motion to amend must be voted on by Town Meeting separately from the main motion.
5. The motion to amend must pass by a simple majority vote.
6. More than one motion to amend can be made to the main motion but must be presented and voted on one at a time. A motion to amend must be made before the main motion is voted on.
7. After all motions to amend are voted, the main motion, (or as amended), must be voted on.

**Reconsider an Article:** An article can only be reconsidered upon a motion by a voter who was present at the vote on the article in question only with the addition of new information which shall be determined by the Town Moderator. To reconsider:

1. Ask the Moderator for recognition.
2. At the proper time, present your motion for reconsideration and state your name.
3. The motion to amend must be seconded.
4. The motion to amend must be voted on by Town Meeting separately from the main motion.
5. The motion to amend must pass by a simple majority vote.

6. More than one motion to amend can be made to the main motion but must be presented and voted on one at a time. A motion to amend must be made before the main motion is voted on.
7. After all motions to amend are voted, the main motion, (or as amended), must be voted on.

### **NECESSARY MAJORITIES\***

9/10 majority is required for unpaid bills of prior fiscal years (Special Town Meeting) that had no appropriation.

4/5 majority is required for unpaid bills of prior fiscal years (Annual Town Meeting).

2/3 majority is required for all borrowing, land acquisitions or transfers and most zoning by-laws. However, due to changes in the law in 2021, certain voting bylaws having to do with multifamily housing may only require a simple majority vote.

Simple majority is required for all else, such as: regular by-laws, current appropriations and transfers, unpaid bills of prior years that have money appropriated but arrived too late to be included.

Note:

Yes and No votes only will be considered in the calculations (i.e. Blanks shall be ignored.

9/10<sup>th</sup> The YES votes divided by the total YES&NO votes shall be 0.9 or greater

4/5<sup>th</sup> The YES votes divided by the total YES&NO votes shall be 0.8 or greater

2/3<sup>rd</sup> two times the NO votes shall be less than the YES votes.

Example: 101 YES, 51 NOs -  $2 \times 51 = 102$  is not less than 101 and fails

101 YES, 49 NOs -  $2 \times 49 = 98$  is less than 101 and passes

102 YES, 51 NOs -  $2 \times 51 = 102$  is equal to 102 and passes

Majority shall have 1 more YES vote than NO votes

\*Please note these vote quanta are for example only and there may be other types of votes, which fall under each of the categories listed above.

### **GLOSSARY OF TERMS USED AT TOWN MEETING**

**APPROPRIATE:** The authority to tax and spend funds for the purpose stated.

**ASSESSMENT:** The estimated value of worth of a piece of property or a group of properties. Assessment of property is done within specific guidelines by the Board of Assessors.

**BY-LAWS:** The Town's guidelines – laws that cannot be deviated from “by-law.”

**CHERRY SHEET:** The state document that details the actual amount of state aid to the Town, and the charges the town must pay the state.

**DEBT LIMIT:** The maximum amount that a Town can borrow. In most cases, state law prohibits borrowing more than 5% of the total valuation of taxable property. There are certain exceptions to this limit.

**CERTIFIED FREE CASH:** The amount of Surplus Revenue over and above uncollected taxes of prior years, certified by the Director of Accounts as of June 30<sup>th</sup> each year.

**GENERAL FUND:** Account from which all transactions are made, pay bills, collections, etc.

**OVERLAY:** The amount raised by the Assessors in excess of anticipated expenditures (appropriations and charges) to cover abatements, etc.

**OVERLAY RESERVE:** A city, town, or district may appropriate overlay surplus for any lawful purpose, including funding any known or anticipated overlay deficit for any fiscal year. Any amount not appropriated by June 30 closes to undesignated fund balance in the General Fund.

**RESERVE FUND:** Fund under the control of the Finance Committee to provide for extraordinary or unforeseen expenditures, may only be appropriated at Annual Town Meeting.

**SURPLUS REVENUE:** The amount by which cash, accounts receivable, and other current assets exceed liabilities and reserve.

**STABILIZATION FUND:** A savings account. Each year an amount not exceeding 10% of the preceding years' taxation of real and personal property may be appropriated. This fund is intended for purchasing capital items, which the town would otherwise borrow for.

**The balances of the Town's Stabilization Funds are as follows:**

General Fund Stabilization	\$1,747,736.08
Capital Fund Stabilization	\$372,482.05

**The amounts of "Free Cash" and "Retained Earnings" as certified by Director of Accounts are as follows:**

General Fund – Free Cash	\$ 2,000,974.00
Water Enterprise Fund – Retained Earnings	\$ 1,094,933.00
Sewer Enterprise Fund – Retained Earnings	\$ 841,013.00

Article #	Title	Department	Type	Vote	Page
1	Town Report Acceptance	Select Board	Open	Majority	7
2	Obsolete Equipment, Material	Select Board	Open	Majority	7
3	Authorize Revolving Funds Chapter 44, Section 53E1/2	Select Board	Open	Majority	7
4	Certified Free Cash Appropriation for Fiscal Year 2023	Select Board	Secret	Majority	8
5	Fiscal Year 2024 Salary Administration Plan	Select Board	Secret	Majority	10
6	Town General Fund Budget Fiscal Year 2024	Select Board	Secret	Majority	11
7	Maynard Public Education Budget Fiscal Year 2024	School Committee	Secret	2/3 <sup>rd</sup>	11
8	Transfer Ambulance Receipts Reserved for Lease Appropriation	Select Board	Open	Majority	12
9	Amend Town Charter Article 1: Incorporation; Short Title; Powers	Charter Review Committee	Open	2/3 <sup>rd</sup>	12
10	Amend Town Charter Article 2: Legislative Branch	Charter Review Committee	Open	2/3 <sup>rd</sup>	13
11	Amend Town Charter Article 3: Elected Officials	Charter Review Committee	Open	2/3 <sup>rd</sup>	14
12	Amend Town Charter Article 4: Town Administrator	Charter Review Committee	Open	2/3 <sup>rd</sup>	16
13	Amend Town Charter Article 5: Administrative Organization	Charter Review Committee	Open	2/3 <sup>rd</sup>	17
14	Amend Town Charter Article 6: Finance and Fiscal Procedures	Charter Review Committee	Open	2/3 <sup>rd</sup>	18
15	Amend Town Charter Article 7: General Provisions and Definitions	Charter Review Committee	Open	2/3 <sup>rd</sup>	19
16	Amend Town Charter Introduction	Charter Review Committee	Open	2/3 <sup>rd</sup>	21
17	Amend Town Charter Omnibus Changes	Charter Review Committee	Open	2/3 <sup>rd</sup>	21
18	Water Enterprise Fund Budget Fiscal Year 2024	Select Board/DPW	Secret	Majority	22
19	Wastewater Treatment Facility Operations Management Contract Authorization	Select Board/Water Commissioners	Open	Majority	23
20	Sewer Enterprise Fund Budget Fiscal Year 2024	Select Board/DPW	Secret	Majority	24
21	Water Retained Earnings Transfer For Water Enterprise Reserve Fiscal Year 2024	Select Board/Water Commissioners	Open	Majority	24
22	Sewer Retained Earnings Transfer For Sewer Enterprise Reserve Fiscal Year 2024	Select Board/Sewer Commissioners	Open	Majority	25
23	Water Enterprise Retained Earnings Transfer For Capital Improvements	Select Board/Water Commissioners	Open	Majority	26
24	Sewer Enterprise Retained Earnings Transfer For Summer Hill Road Sewer Capital Improvements	Select Board/Sewer Commissioners	Open	Majority	26
25	Sewer Enterprise Retained Earnings Transfer For Wastewater Treatment Facility Capital Improvements	Select Board/Sewer Commissioners	Open	Majority	27
26	Cemetery Perpetual Care Trust Fund Transfer	Select Board	Open	Majority	28
27	Disposition of 1 Summer Street	Select Board	Secret	2/3 <sup>rd</sup>	28
28	Special Stabilization Account Purpose Definition	Select Board	Open	2/3 <sup>rd</sup>	29
29	Maynard Golf Course Receipts Transfer Fiscal Year 2023	Select Board/DPW	Secret	Majority	29

Article #	Title	Department	Type	Vote	Page
30	Community Preservation Fund Budget Fiscal Year 2024	Community Preservation Committee	Secret	Majority	30
31	Community Preservation Fund Reserve Fund Appropriations Fiscal Year 2024	Community Preservation Committee	Secret	Majority	31
32	Prior Year Bills Fiscal Year 2023	Select Board	Open	4/5	32
33	Citizens' Petition: Recommend New Elementary School Operate Without Fossil Fuels	Citizens Petition- Roger Stillwater	Secret	Majority	33
34	Citizens' Petition: Adopt New Municipal Opt-in Specialized Stretch Code of 2022	Citizens Petition- Roger Stillwater	Open	Majority	34
35	Amend Zoning By-Law Section 9.4.5, Mixed Use and Multifamily Reduced Area Requirement; Development Agreement	Planning	Secret	2/3 <sup>rd</sup>	37
36	Amend Zoning By-Law Section 3.1.2, 7.2, and 11.0: Body Art Establishments	Planning	Secret	2/3 <sup>rd</sup>	41
37	Amend Zoning By-Law Section 3.1.2, 3.2, 6.1.5, and 8.3: Use Regulations, Parking Space Requirements, Accessory Home-Based Activities	Planning	Secret	2/3 <sup>rd</sup>	42
38	Amend Zoning By-Law Section 3.1.2 and 11: Business Uses for Trade Shop and Definitions	Planning	Secret	2/3 <sup>rd</sup>	51

**ARTICLE: 1 TOWN REPORT ACCEPTANCE**

To hear and act upon the reports of Town Officers and Committees.

To do or act thereon.

SPONSORED BY: Select Board  
 APPROPRIATION: None  
 FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) This is an annual procedural article to accept reports from various Town committees. The town's Annual Report is the specific report propose for acceptance.

Comments: (Finance Committee) This is an annual procedural article to accept reports from various Town Committees.

**ARTICLE: 2 OBSOLETE EQUIPMENT, MATERIAL**

To see if the town will vote to authorize the Select Board to dispose of surplus and or obsolete equipment or materials, as authorized by M.G.L. Chapter 30B

To do or act thereon.

SPONSORED BY: Select Board  
 APPROPRIATION: None  
 FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor): Annual article to allow sale/disposal of surplus equipment, if any, in accordance with state law.

Comments: (Finance Committee) This is an annual procedural article to allow the Select Board to sell or dispose of surplus equipment in accordance with state law.

**ARTICLE: 3 AUTHORIZE REVOLVING FUNDS CHAPTER 44, SECTION 53E1/2**

To see if the town will vote to authorize the total expenditures for the following revolving funds pursuant to MGL Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2023, (FY24) to be expended in accordance with the bylaws heretofore approved.

Revolving Fund	Spending Limit
Conservation Commission -	
Wetlands Bylaw Consultant Fees	\$25,000.00
Planning Board - Site Plan Review	\$25,000.00
Disposal - Drop Off Center	\$15,000.00

Board of Health - Licensing Fees	\$25,000.00
Council on Aging - COA Van Service	\$85,000.00
Sealer of Weights & Measures	\$5,000.00
Electrical/Wiring Inspection Services	\$65,000.00
Plumbing & Gas Inspection Services	\$60,000.00
Municipal Permitting	\$40,000.00
Recreation	\$20,000.00
<u>Electric Vehicle Charging Stations</u>	<u>\$35,000.00</u>
<b>TOTAL OF ALL REVOLVING FUNDS</b>	<b>\$400,000.00</b>

To do or act thereon.

SPONSORED BY: Select Board  
 APPROPRIATION: None  
 FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): Revolving funds provide the flexibility to deposit funds and pay expenditures across fiscal years. The Town Meeting has previously established the funds listed above with specific allowed purposes and this article authorizes each fund's annual revolving limit.

Comments: (Finance Committee) This is an annual procedural article to authorize revolving funds in the amounts detailed in the article, so that the Town can collect and disburse money for certain stated purposes.

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#### **ARTICLE: 4 CERTIFIED FREE CASH APPROPRIATION FOR FISCAL YEAR 2023**

To see if the town will vote to appropriate from available free cash the following amounts for designated purposes:

Snow & Ice Deficit	\$ 327,000.00
Capital Stabilization Fund	\$50,000.00
General Stabilization Fund	\$ 100,000.00
Other Post Employment Benefits Fund	\$25,000.00
Personnel Contracts	\$65,000.00
Personal Property Software	\$25,000.00
Alumni Bleachers Planning / Design	\$50,000.00
Public Safety Active Shooter Training	\$20,000.00
Election Poll Pads	\$12,000.00
Prior Year Bills	\$10,375.00
Police Cruiser	\$55,000.00
Roads/Sidewalks Repairs	\$ 200,000.00
Fire Department Control Vehicle	\$60,000.00

Library Stairwell Repairs	\$40,000.00
Public Works Backhoe	\$ 325,000.00
Public Works Leaf Vac Truck	\$14,000.00
Public Works Field St. Drainage Project	\$50,000.00
Public Works Main St. Stormwater Project	\$ 200,000.00
Public Works Town Hall HVAC	\$ 100,000.00
Maynard School District Flooring	\$40,000.00
Maynard Schools Teacher Device Refresh	\$45,000.00
Maynard School Corey Phone System	\$50,000.00
Maynard School District Operations	\$87,599.00
<u>Special Education Stabilization Fund</u>	<u>\$50,000.00</u>
 Total Requested Appropriation	 \$ 2,000,974.00

To do or act thereon.

SPONSORED BY: Select Board  
 APPROPRIATION: \$ 2,000,974. 00  
 FINCOM RECOMMENDATION: At Town Meeting

Comments (Sponsor):

Free Cash is taxpayer money that has not been appropriated for spending. Traditionally, Maynard uses these funds to pay for one-time items or events, like a deficit in the snow and ice budget or capital projects. The capital items listed above are submitted in accordance with the priorities of the Capital Planning Committee (CapCom), with the following descriptions:

Supplemental appropriation to snow and ice operations is necessary annually because of unpredictable weather conditions. Transfers into the town's stabilization funds is advised in preparation for unbudgeted, one-time needs. Transfers into the town's Other Post Employment Benefits (OPEB) fund continues efforts to meet the long-term liability of non-retirement benefits obligations for public employees. At least one new police cruiser is typically purchased annually to meet operational demand for vehicle fleet turnover. This proposed appropriation for a new cruiser is intended to acquire a "hybrid" fuel-efficient model to meet sustainability initiatives. The Police and Fire Departments have secured grants funds for active-shooter training that requires supplemental funds from the awarded municipality. Free Cash is traditionally appropriated to cover the expenses from prior year bills. The Fire Department's current vehicle for command-and-control functions is at its end of useful life and requires replacement. The town's library's stairwell needs repairs from damage by rain and storm impacts. Funds for personnel contract settlements, including unions, are intended for expenses derived from negotiations in fiscal year 2023. Although the funding for construction of new bleachers at Alumni Field is not yet determined, investing in designs and planning is required, and Free Cash is recommended to supplement the requested appropriation from Community Preservation Act (CPA) funds directed for the same purpose. Modern business practices require up-to-date technology infrastructure, and the use of Free Cash for one-time replacement of assets, such personal property assessing services with associated software as well as election-supporting poll pads, allows the use of general funds for other operations. Funding for roadway and sidewalk repairs is meant to supplement formulaic state allocations which are not sufficient to meet maintenance and improvement demands of the public right-of-ways. The equipment and vehicle

fleet of the town's public works department is heavily used and requires replacement, especially for assets at or beyond useful life that are in irreparable condition. The increase of uncontrolled stormwater runoff is causing significant degradation to the areas of Field Street. Funding is required to supplement already allocated state-budget support for stormwater mitigation on Main Street. Town Hall's current HVAC system is undersized and inadequate for providing cooling at appropriate levels resulting in high humidity causing internal issues with day-to-day operations. The buildings of the Maynard Public Schools' requires regular capital investments, as identified by the school district's facilities staff, and recommended by the CapCom. The School Department's previously unspent Special Education Circuit Breaker funds may be transferred to the existing Special Education Stabilization Fund, as well as to support the operations of the Department at the discretion of the School Committee and Superintendent's Office.

Comments: (Finance Committee) At Town Meeting

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## **ARTICLE: 5 FISCAL YEAR 2024 SALARY ADMINISTRATION PLAN**

To see if the Town, under the authority of G. L. c.41 sec. 108A, will vote to amend the Maynard Salary Administration Plan Salary Table:

Appendix B: Salary Table

	Minimum	Maximum
Full-Time Employees	\$20.00	\$45.00
Part-Time Employees (no less than MA minimum wage)	\$15.00	\$40.00
Part-Time Specialized (i.e., certified/licensed)	\$20.00	\$50.00
Veterans' Agent	Annually	\$10,489.31
Inspector of Animals	Annual Stipend	\$105.00
Registrar of Voters	Annual Stipend	\$105.00
Clerk, Registrar of Voters	Annual Stipend	\$515.00
Moderator	Annual Stipend	\$75.00

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): Part-time Employee minimum wage has been increased from \$14.25 per hour to \$15.00 per hour, staying current with Massachusetts Minimum Wage, and the Veterans' Agent salary has increased from \$10,283.64 to \$10,489.31 [2%].

Comments (Finance Committee): This is an annual procedural article to make adjustments to the salary table and other terms in the Town's salary Administration Plan. These salaries apply to those employees not covered by collective bargaining agreements. (See Sponsor Comments)

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## ARTICLE: 6 TOWN GENERAL FUND BUDGET FISCAL YEAR 2024

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide to meet the salaries and wages of Town Officers and employees, expense, and outlays of the Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the Town for Fiscal Year 2024 (July 1, 2023 – June 30, 2024) and further, to accept and expend Federal and State Funds to offset certain salaries or expenses or outlays.

General Government	\$ 3,613,181
Public Safety	\$ 5,286,095
Public Works	\$2,579,839
Cultural & Recreation	\$ 642,348
Education - Maynard	\$ 22,229,735
Education - Assabet	\$ 1,269,349
Employee Benefits	\$ 9,735,900
Debt Service	\$ 2,678,889
Reserve Fund	\$ 250,000
PEG Access	\$ 346,434
<b>Total General Fund Expenses</b>	<b>\$ 48,631,769</b>

To do or act thereon.

SPONSORED BY: Select Board  
 APPROPRIATION: \$ 48,631,769.00  
 FINCOM RECOMMENDATION: At Town Meeting

Comments (Sponsor): See Attachment Appendix “A” – the appendix information is only a guide and is non-binding except to the single raise and appropriation vote of \$48,631,769.00. The categories noted above are for explanation purposes.

Comments (Finance Committee): At Town Meeting

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## ARTICLE: 7 MAYNARD PUBLIC EDUCATION BUDGET FISCAL YEAR 2024

To see if the Town will vote to raise and appropriate, or transfer from General Stabilization or other available funds in the treasury, the combined sum of \$22,744,577 for the level service operating expenses of the Maynard School Department for the Fiscal Year 2024.

To do or act thereon.

SPONSORED BY: School Committee  
 APPROPRIATION: \$22,744,577

FINCOM RECOMMENDATION: At Town Meeting

Comments (Sponsor): The School Committee may provide an updated FY24 operating budget presentation at Town Meeting..

Comments (Finance Committee): At Town Meeting

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**ARTICLE: 8 TRANSFER AMBULANCE RECEIPTS RESERVED FOR LEASE APPROPRIATION**

To see if the town will vote to transfer the sum of \$194,555.26 from Fund 3017 Ambulance Receipts Reserved for Appropriation to pay for both the third year of the five-year lease appropriated at the June 2020 Town Meeting for the purchase of an ambulance, and the second year of the seven-year lease appropriated at the May 2022 Town Meeting for the purchase of a E-One Typhoon Pumper with Emax pump.

To do or act thereon.

SPONSORED BY: Select Board  
 APPROPRIATION: \$194,555.26  
 FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): This is the third payment in a five-year plan to lease purchase an Ambulance to purchase a new ambulance to allow the fire department to move the existing 2013 ambulance to reserve status. Ambulances are the busiest vehicles in most fire department fleets and are typically replaced about every six-year's or even less based on the condition of the vehicle. This is also the second payment in a seven-year plan to lease purchase a fire truck, with the first payment approved at last year's Annual Town Meeting.

Comments (Finance Committee): This article will move money from ambulance receipts to be used for leasing of required equipment for fire department service.

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**ARTICLE: 9 AMEND TOWN CHARTER ARTICLE 1: INCORPORATION; SHORT TITLE; POWERS**

To see if the Town will adopt the changes to Article 1, "Incorporation; Short Title; Powers", of the Town of Maynard Charter which said changes incorporates the phrase "of the Commonwealth", to clarify the source of the law establishing the incorporation of the town of Maynard, as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee

APPROPRIATION: None  
 FINCOM RECOMMENDATION: Recommends

Comments (Sponsor):

This article makes a minor change to Article 1 of the Charter with the inclusion of the phrase “of the Commonwealth”, to clarify the source of the law establishing the incorporation of the town of Maynard. A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments (Finance Committee): This article makes a minor change to Article 1 of the Charter with the inclusion of the phrase “of the Commonwealth”, to clarify the source of the law establishing the incorporation of the town of Maynard.

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**ARTICLE: 10 AMEND TOWN CHARTER ARTICLE 2: LEGISLATIVE  
BRANCH**

To see if the Town will adopt the changes to Article 2, “Legislative Branch”, of the Town of Maynard Charter which rearranged the order of the sections and subsections of Article 2, and further delineates the power and duties of the Finance Committee. The requirement for a Finance Committee member to resign prior to running for elected office or requesting appointment to another town position has been removed. The requirement for giving notice of a town initiated Special Town Meeting in a local newspaper has been replaced with an announcement through the town’s official notification systems(s) and on the official town website. Similar notification requirement has been added to citizen initiated Special Town Meetings.

The section “Initiation of Warrant Articles” has been reformatted for clarity and now includes a review of citizen’s petitions by town counsel and if deemed illegal shall be disqualified by the Select Board, and clarifies that it is the administrative personnel in the office of the select board who registers proposed warrant articles and distributes them as stated in the Charter.

Also there is a change so that it is solely the Town Moderator who can dismiss or excuse town officials from Town Meetings and that the list of excused officials shall be included in the minutes of the meeting. All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee  
 APPROPRIATION: None  
 FINCOM RECOMMENDATION: Recommends

**Comments (Sponsor):**

The article rearranges and reformats some of the sections and subsections of Article 2 of the Charter to emphasize some sections and to clarify sections like the Initiation of Warrant Articles. That section now also includes a review citizen's petitions by town counsel and if deemed illegal shall be disqualified by the Select Board. The changes further delineate the power and duties of the Finance Committee and removes the requirement that a finance committee member resigns before running for an elected office or another appointed position in town. Upon being elected or appointed, then the individual would then need to resign from the Finance Committee. The Charter Review Committee had observed that over the years, Finance Committee members who did resign for this reason did not ask for reappointment if they were unsuccessful in being elected or appointed to the other position. In the case of the elected position, this would occur in the months before Annual Town Meeting and would deprive the Finance Committee of a knowledgeable member in the review of the town budget and other warrant articles. As to who can dismiss or excuse town officials from Town Meeting, the Charter Review Committee was concerned about the separation of powers between the elected boards. Since Town Meeting is the Legislative Branch of town government and the Town Moderator is its head, the Town Moderator should be the sole person to be able to dismiss or excuse a town official from a Town Meeting.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>

The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments: (Finance Committee) The article rearranges and reformats some of the sections and subsections of Article 2 for clarity, but doesn't make significant changes. One change is that Finance Committee members could run for other town offices without resigning from the Finance Committee. Finance Committee members would have to resign from Finance Committee upon election or appointment to another town position.

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**ARTICLE: 11 AMEND TOWN CHARTER ARTICLE 3: ELECTED OFFICIALS**

To see if the Town will adopt the changes to Article 3, "Elected Officials", of the Town of Maynard Charter which adds an exception to the start of an elected term of office of filling vacancies of elected officials to begin as soon as the election results are known and the individual has been sworn in, this being applicable to positions on multiple member boards and the regional vocational school representative.

A new section "Notice of Resignation of Office" details the process of notifications when resigning.

Under "Licensing Authority", adds "all applicable laws", to limit the scope to all relevant laws, rules, and regulations for which the select board issues licenses.

Changes “Housing Authority a) Composition, Term of Office” to reflect changes in state law; changes “Library Trustees b) Powers and Duties” to accurately reflect the power and duties of Library Trustees; in “Regional Vocational School Representative b) Powers and Duties” adds a requirement, “Upon request, the regional vocational school representative shall appear before and report to the select board, the school committee, and/or the finance committee.” All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY:	Charter Review Committee
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

**Comments (Sponsor):**

This article makes changes to Article 3 of the Charter. The first change is to add a new section “Notice of Resignation of Office”. It instructs the resigning official to notify the Town Clerk of their resignation and indicate if the resignation is immediate or effective on a future date. Note that the process of filling the vacancy cannot begin until the position is actually vacant. This change follows the requirement of Massachusetts General Laws Chapter 41 section 109 concerning resignations of town officers.

The committee has also clarified the start of an elected term in the “Commencement of Office” section, the committee has added after, “... offices shall begin on the first day of July” the text, “with the exception of filling vacancies of elected officials as specified in section 3-1h”. In that section, the committee has replaced the existing text with new text that refers to Massachusetts General Laws Chapter 41 sections 10 and 11 which governs vacancies on multiple member boards. We have also added the text, “In the case of an election to fill the unexpired term of office, the individual is qualified as soon as the election results are known and can take office immediately following the required swearing in.”

In Select Board – “Power and Duties”, the committee reformatted the listing of Powers and Duties into a numerical list for the sake a clarity and includes the addition of the town by-laws as a provision to be considered for Select Board appointments.

In Housing Authority – “Composition, Term of Office”, recent changes in state law now requires a tenant member appointed by the select board. This section was changed to reflect that.

In Library Trustees – “Powers and Duties”, the committee found that this section was dated and inaccurate. With input from the library trustees, we updated the section to accurately reflect the powers and duties of the library trustees.

In Regional Vocational School Representative – “Powers and Duties”, the committee added the sentence, “Upon request, the regional vocational school representative shall appear before and report to the select board, the school committee, and/or the finance committee.” This duty was not in the Charter and the committee believes it should be, to ensure clear communications between town government as a whole and the regional vocational school.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>

The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments (Finance Committee): The article does not make significant changes to town government. The article makes changes around resignations, filling of vacancies, and clarity of language. The sponsor comments outline specific changes.

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## **ARTICLE: 12 AMEND TOWN CHARTER ARTICLE 4: TOWN ADMINISTRATOR**

To see if the Town will adopt the changes to Article 4, “Town Administrator”, of the Town of Maynard Charter which includes the addition of “town by-laws” to the subjected provisions governing Town Administrator appointments and listing those proposed appointments on the official town website, rather than the town bulletin board; adding a requirement for financial reporting by town by-law.

The length of term for a renewal of a temporary appointment of an acting Town Administrator is changed from three months to six months; and adds the capability of an acting Town Administrator to make permanent appointments only if they are approved by the Select Board. All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY:	Charter Review Committee
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments (Sponsor):

The changes to Article 4 of the Charter includes the addition of the town by-laws as a provision to be considered for Town Administrator appointments, and that the proposed appointments be published on the official town website to allow greater access to the information, a requirement for quarterly financial reporting which has already been adopted in the town by-laws.

For the case of an acting Town Administrator, there are two changes. The first is to change the length of renewal for a temporary appointment from 3 months to 6 months. This would be after an initial 6-month appointment.

Currently the Charter states that an acting Town Administrator can only make temporary or emergency appoints and cannot make permanent appointments. The committee understands the reasons for this but also recognizes the need to finalize hiring of qualified individuals in a timely

manner. To address these concerns, we have added to the end of the text “but not to make permanent appointments or designations”, the additional text, “, unless approved by the select board”.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee>.

Comments (Finance Committee): The article updates provisions of the charter covering town appointments, public notice of the vacancies, and requires financial reporting by the town.

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## **ARTICLE: 13 AMEND TOWN CHARTER ARTICLE 5: ADMINISTRATIVE ORGANIZATION**

To see if the Town will adopt changes to Article 5, “Administrative Organization” of the Town of Maynard Charter which inserts the section “Removals and Suspensions” from Article 7 of the Charter and clarifies who is responsible for the removal or suspension of an appointed individual based on the appointing authority and further clarifies that a suspension of an individual is to protect the interests of the town against negligence or willful harm.

The number of members for appointed boards and committees has been removed, being enumerated in the town by-laws, and an Affordable Housing Trust Board and a Sustainability Committee have been added to the appointments of the Select Board, while Industrial Development and Finance Authority, Public Works Advisory Committee, Cable Television Committee, Right-To-Know Coordinator, and Representative to the Metropolitan Area Planning Council have been removed. The position of Town Planner has been expanded to include the option of a Planning Director. A Tree Committee has been added to the appointments of the Town Administrator while a Sealer of Weights and Measures, and one or more Assistant Sealers of Weights and Measures, and a Hazardous Waste Committee have been removed. The Dog Officer has been changed to Animal Control Officer. These lists were coordinated with the organizational chart as well. The position descriptions for Conservation Agent, Chief Assessor, Board of Health Director/Public Health Officer/Health Officer, Council on Aging Director, and Planning Director or Town Planner have been removed. The method for filling these positions have been simplified to one of the previous options in which the Town Administrator selects the individual to fill the position and the board/commission/council appoints the individual. All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY:	Charter Review Committee
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

**Comments (Sponsor):**

The first major change to Article 5 of the Charter is to move the section on “Removals and Suspensions” from Article 7 and to place it in Article 5. The Charter Review Committee believes it is more appropriate in the Article on “Administrative Organization” instead of “General Provisions”. This section was rewritten to clarify who is the responsible individual(s) for the removal and/or suspension of an employee, or an individual appointed to a position or as a member of a multiple member board.

Under “Organization of Town Government”, the committee has updated the listing of appointed positions and boards to remove those that are no longer needed or that are done differently, added new boards, and updated the names of others. The committee has also removed the required number of members for appointed multiple member boards from the Charter. This information is currently repeated in the town by-laws and will allow for a change in the membership of a board through a Town Meeting vote rather than the drawn-out process of a Charter change.

The committee has standardized the appointment process for the positions of Public Health Director, Chief Assessor, Conservation Agent, Council of Aging Director, and Town Planner to one of the two current possible processes currently in the Charter. Given that these individuals work under the day-to-day direction of the town administration, the committee believes that the town administrator should be the one to select the individual to be recommended to the appointing board for their appointment of the individual. The town administrator is knowledgeable of the hiring process and being a full-time employee can devote more effort to the selection process than a board of volunteers.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209> The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

**Comments (Finance Committee):** The article moves provisions around Removals and Suspensions between articles of the town charter, updates the list of town committees, and makes small changes to the appointments of some town officials.

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**ARTICLE: 14 AMEND TOWN CHARTER ARTICLE 6: FINANCE AND FISCAL PROCEDURES**

To see if the Town will adopt changes to Article 6, “Finance and Fiscal Procedures”, of the Town of Maynard Charter, which clarifies that the Town Administrator shall develop an overall long term financial projection of the town, and the relocation of an ending sentence of one section to the beginning of the following section as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee  
APPROPRIATION: None  
FINCOM RECOMMENDATION: Recommends

Comments (Sponsor):

The article makes a minor change to Article 6 of the Charter to clarify that the Town Administrator shall develop an overall “long term” financial projection of the town. The Charter Review Committee wanted to clarify that the financial projection was not just for next year or the year after but looked at a much longer term, which could be defined by town by-law in the future. The other change reorganizes sentence order. The Committee believes that in a previous revision of the Charter, the section header was placed after that sentence when it should have been before it.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments (Finance Committee): The article makes a minor change to Article 6 of the Charter to clarify that the Town Administrator shall develop an overall “long term” financial projection of the town.

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## **ARTICLE: 15 AMEND TOWN CHARTER ARTICLE 7: GENERAL PROVISIONS AND DEFINITIONS**

To see if the Town will adopt changes to Article 7, “General Provisions”, of the Town of Maynard Charter, which changes the title to “General Provisions and Definitions”, and reintroduces the previously eliminated section, “Continuation of Existing Laws”.

Additional changes will simplify preexisting wording for gender neutrality within the Charter, update relevant definitions, and revise section “Rules and Regulations” to streamline the implementation process when regulations are approved or revised by town committees and boards.

The start of the periodic review process for the Charter, and options for a by-law review after the adoption of a new Charter, are clarified. Section “Removals and Suspensions” is moved to Article 5 of the Charter, under “Procedures Governing”.

Since multiple member bodies must comply with any changes to Open Meeting Laws, subsection “Voting” is deleted. The title of section “Notice of Vacancies” is changed to “Publication of Vacancies”, and removes the requirement they be published annually in a local paper.

Terminology within sections “Loss of Office, Excessive Absence”, “Terms of Office” is corrected, along with references to Massachusetts General Law. All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY:	Charter Review Committee
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments (Sponsor):

The article adds a section, “Continuation of Existing Laws”, to Article 7 of the Charter, which existed in the original Charter but was subsequently removed in a past review. On advice of Town Counsel, the committee returned it to the Charter. The committee also simplified an awkwardly worded sentence specifying gender neutrality within the Charter. Adding, “.and Definitions” to the title of the article draws attention to where definitions are found within the Charter Relevant definitions are also updated. The committee revised the “Rules and Regulations” section to streamline the implementation of new or revised rules and regulations approved by town committees and boards, leveraging the use of technology to post the changes on the official town and/ or organization’s website.

The “Periodic Review” section more narrowly defines the timing for the formation of a Charter Review Committee to occur during the first five months of a year ending in a “1”. The committee has also amended the process forming the committee to review the by-laws after any new Charter is adopted. Currently the process is to form a new committee. Since we now have a standing By-law Committee, the process would be to add members to that committee.

“Removals and Suspensions” section has been moved to Article 5.

“Procedures Governing Multiple Member Bodies” section- updated to comply with changes in Open Meeting Laws and some terminology. Subsection c “Voting” has been deleted since changes in Open Meeting Laws, along with possible changes to in-person, remote, and/ or hybrid meetings, make it unreasonable to retain within the Charter. Open Meeting Law must be followed, so it makes more sense not to have it in the Charter.

“Notice of Vacancies” section- Retitled “Publication of Vacancies” to clarify the intent of the section. The committee has removed the requirement for the list of vacancies on committees or positions of employment (paid or unpaid), to be published in a local paper circulation in January of each year. A list is maintained by the town clerk and is updated quarterly.

Sections “Loss of Office, Excessive Absence” and “Terms of Office” contained incorrect Massachusetts General Law references, which we corrected along with adding the text, “pertaining to open meeting law executive session” after each of the reference to clarify.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at

<https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at

<https://www.townofmaynard-ma.gov/272/Charter-Review-Committee>

Comments (Finance Committee): The article makes small changes to the charter for language and clarity, and moves some provisions between articles.

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## **ARTICLE: 16 AMEND TOWN CHARTER INTRODUCTION**

To see if the Town will adopt the new “Introduction” to the Town of Maynard Charter which said “Introduction” provides an overview of the purposes of the Charter and the reason for having it for the town, the authority from which the Charter is derived and addresses the Town By-laws, Community Development Principles, and the Maynard Master Plan which are used as a guide in how the Town operates, as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY:	Charter Review Committee
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments (Sponsor):

This article includes a new initial paragraph that describes the background and purpose of the Charter. It also revises the dates of previous Charter reviews to include the current review. The section on the Community Development Principles is replaced with a new section addressing Town By-laws, Community Development Principles, and the Maynard Master Plan. The reason for this change is that since the last Charter review in 2013, the Master Plan has been adopted and a permanent By-law Committee has been established.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee>.

Comments (Finance Committee): This article includes a new initial paragraph that describes the background and purpose of the Charter, and includes reference to the Master Plan.

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## **ARTICLE: 17 AMEND TOWN CHARTER OMNIBUS CHANGES**

To see if the Town will adopt the typographical error corrections and grammatical corrections throughout the Town of Maynard Charter, and style changes in referring to the “official town website” and use of the phrase, “by town by-law”, and to keep the text of the Charter gender neutral, as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee  
 APPROPRIATION: None  
 FINCOM RECOMMENDATION: Recommends

Comments (Sponsor):

This article is for the purpose of correcting typographical and grammatical errors in the current Charter and to make style changes throughout the Charter for the sake of uniformity. A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee>.

Comments (Finance Committee): This article is for the purpose of correcting typographical and grammatical errors in the current Charter and to make style changes throughout the Charter for the sake of uniformity.

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## ARTICLE: 18 WATER ENTERPRISE FUND BUDGET 2024 FISCAL YEAR

To see if the town will vote to recommend that the following sums be appropriated to operate the Water Enterprise Fund, in accordance with provisions of M.G.L. c. 44 §53F ½ such sums of money as may be necessary, together with revenue from Water Enterprise Fund operations, to defray the expenses for FY2024 (July 1, 2023 – June 30, 2024).

<b>TOTAL REVENUES</b>	<b>\$ 2,691,023.00</b>
<b>EXPENSES - DIRECT</b>	
Water - Salaries	\$ 399,700.00
Water – Expense	\$ 911,950.00
Water - Capital	\$ 236,450.00
Water – Long Term Debt Principal	\$ 305,000.00
Water – Long Term Debt Interest	<u>\$ 379,476.00</u>
<b>TOTAL EXPENSES - DIRECT</b>	<b>\$ 2,232,576.00</b>
<b>EXPENSES - INDIRECT</b>	
Insurance - Health/Life/ Unemployment	
Retirement	\$ 155,248.00
Shared Employee Costs	<u>\$ 303,199.00</u>
<b>TOTAL EXPENSES - INDIRECT</b>	<b>\$ 458,447.00</b>
<b>TOTAL FY2024 BUDGET</b>	<b>\$ 2,691,023.00</b>

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: \$ 2,691,023.00  
FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): The Fiscal Year 2024 Water Enterprise Budget is a 8.14% increase from Fiscal Year 2023. The increase is a result of rising expenditures due to several factors, including economic inflation of 8-10%, state and federal unfunded mandates, indirect cost proportionate allocation, and increased need for capital improvements to distribution and treatment, including debt service for the #4 water treatment facility upgrades to support the installation of the utilities' new water source at Well "4A".

Comments (Finance Committee): Passage of this article would adopt the proposed Water Enterprise Fund Budget for FY24, total \$2,691,023, and appropriate \$2,232,576 for Direct Expenses. While the \$458,447 in Indirect Expenses is appropriated through the Town General Fund Budget, this amount is reimbursed by the Water Enterprise Fund. The FinCom supports this increase in the Water Enterprise Fund Budget of 8.1%, acknowledging the need to spend on water infrastructure. To support new growth, we also must support the growing water capacity demands.

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#### **ARTICLE: 19 WASTEWATER TREATMENT FACILITY OPERATIONS MANAGEMENT CONTRACT AUTHORIZATION**

To see if the Town will vote to authorize the Select Board, pursuant to M. G. L. c. 30B section 12(b) to negotiate and enter into a contract with the most appropriate vendor in respect to operations & management of the Maynard Municipal Wastewater Treatment Facility, through an equitable and fair process, for three (3) or more years but not greater than seven (7) years,

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): Per the state's procurement laws, contracts with terms longer than three years require Town Meeting approval. It is advantageous to the town to have the option to negotiate a longer contract than three years. Procurement procedures will be followed to negotiate a contract for the operations and management of the Wastewater Treatment Facility with the most advantageous, reputable and responsible company.

Comments (Finance Committee): This article would allow the Select Board, as Water Commissioners, to negotiate a new contract regarding operations and management for the Maynard Municipal Wastewater Treatment Facility. The option of a longer contract allows the Select Board to potentially negotiate more favorable terms.

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**ARTICLE: 20 SEWER ENTERPRISE FUND BUDGET FISCAL YEAR 2024**

To see if the town will vote to recommend that the following sums be appropriated to operate the Sewer Enterprise Fund, in accordance with the provisions of M.G.L. c. 44 § 53F ½. Such sums of money as may be necessary, together with revenue from the Sewer Enterprise Fund operations, to defray the expenses for Fiscal Year 2024 (July 1, 2023 – June 30, 2024).

<b>TOTAL REVENUES</b>	<b>\$ 3,668,179.00</b>
<b>EXPENSES - DIRECT</b>	
Sewer - Salaries	\$ 374,900.00
Sewer – Expense	\$ 371,450.00
Sewer - Capital	\$ 375,229.00
Sewer - Long Term Debt Principal	\$ 600,631.00
Sewer - Long Term Debt Interest	\$ 141,857.00
Sewer - Waste Water Treatment Plant Expense	\$ 1,441,207.00
<b>TOTAL EXPENSES - DIRECT</b>	<b>\$ 3,305,274.00</b>
<b>EXPENSES - INDIRECT</b>	
Insurance - Health/Life/Unemployment Retirement	\$ 117,518.00
Shared Employee Costs	\$ 245,387.00
<b>TOTAL EXPENSES - INDIRECT</b>	<b>\$ 362,905.00</b>
<b>TOTAL FY2024 BUDGET</b>	<b>\$ 3,668,179.00</b>

To do or act thereon.

SPONSORED BY: Select Board  
 APPROPRIATION: \$ 3,668,179.00  
 FINCOM RECOMMENDATION: Recommends

Comments (Sponsor Select Board): The Fiscal Year 2024 Sewer Enterprise Budget is an increase of 4.9% over Fiscal Year 2023. The increase is a result of economic inflationary drivers of 8-10%.

Comments (Finance Committee): Passage of this article would adopt the proposed Sewer Enterprise Fund Budget for FY24, total \$3,668,179, and appropriate \$3,305,274 for Direct Expenses. While the \$362,905 in Indirect Expenses is appropriated through the Town General Fund Budget, this amount is reimbursed by the Sewer Enterprise Fund. FinCom supports this increase in the Sewer Enterprise Fund Budget of 4.9%, as it is still below current inflation.

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**ARTICLE: 21 WATER RETAINED EARNINGS TRANSFER FOR WATER ENTERPRISE RESERVE FISCAL YEAR 2024**

To see if the town will vote to transfer from “Water Retained Earnings” the sum \$500,000.00 for the purpose of establishing a reserve fund within the Fiscal Year 2024 (FY24) Water Enterprise operating budget to provide for unanticipated expenditures.

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: \$500,000.00  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The transfer of Water Retained Earnings for the purpose of establishing a reserve fund within the Water Enterprise budget allows the Select Board, as the town’s water and sewer enterprise commissioners in conjunction with the Department of Public Works (DPW) Director, to efficiently respond to unanticipated failures within the town’s public drinking water utility system. Swift response is required for issues that arise from the aging system. Large amounts of the utility’s infrastructure are well beyond its designed life cycle. Establishing dedicated reserve funds follows financial best practice policies for fiscal responsibility.

Comments (Finance Committee): This article would use \$500,000 of the \$1,094,933 of Water Retained Earnings to establish a reserve fund for FY24 within the Water Enterprise operating budget for unanticipated expenses. Water Retained Earnings are the surplus funds from the Water Enterprise Fund from FY22. Aging infrastructure and unforeseen circumstances are concerns that potentially require swift action. The creation of a Reserve Fund allows emergency expenses to be paid in a more timely manner as these funds are controlled by the Finance Committee and Selectboard votes.

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#### **ARTICLE: 22 SEWER RETAINED EARNINGS TRANSFER FOR SEWER ENTERPRISE RESERVE FISCAL YEAR 2024**

To see if the town will vote to transfer from “Sewer Retained Earnings” the sum \$200,000.00 for the purpose of establishing a reserve fund within the Fiscal Year 2024 (FY24) Sewer Enterprise operating budget to provide for unanticipated expenditures.

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: \$200,000.00  
FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): The transfer of Sewer Retained Earnings for the purpose of establishing a reserve fund within the Sewer Enterprise budget allows the Select Board, as the town’s water and sewer enterprise commissioners in conjunction with the Department of Public Works (DPW) Director to efficiently respond to unanticipated failures within the town’s public sewer (effluent) utility system. Swift response is required for issues that arise from the aging system. Large

amounts of the utility's infrastructure are well beyond its designed life cycle. Establishing dedicated reserve funds follows financial best practice policies for fiscal responsibility.

Comments: (Finance Committee) This article would use \$200,000 of the \$841,013 of Sewer Retained Earnings to establish a reserve fund for FY24 within the Sewer Enterprise operating budget for unanticipated expenses. Sewer Retained Earnings are the surplus funds from the Sewer Enterprise Fund from FY22. Aging infrastructure and unforeseen circumstances are concerns that potentially require swift action. The creation of a Reserve Fund allows emergency expenses to be paid in a more timely manner as these funds are controlled by the Finance Committee and Selectboard votes.

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#### **ARTICLE: 23 WATER ENTERPRISE RETAINED EARNINGS TRANSFER FOR CAPITAL IMPROVEMENTS**

To see if the town will vote to transfer from "Water Retained Earnings" the sum of \$90,000.00 to be used for the purpose of funding capital equipment procurement for the Town of Maynard's Department of Public Works' water division.

To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	\$90,000.00
FINCOM RECOMMENDATION:	Recommends

Comments (Sponsor): The transfer of Water Retained Earnings is for the purpose of supporting the capital equipment procurement of one (1) Ford F350 Truck as a replacement for one of our current 12+ year old Department of Public Works (DPW) front line water utility service vehicles, replacement is vital due to reliability issues. This equipment is vital to the operation and repair of our water treatment and distribution utility. The upgrade of this equipment will provide safe and efficient means of response and capability of public drinking water utility operations. The cost of procurement is directly related to the water enterprise retained earnings, which will avoid debt/borrowing and long-term interest payments. Procurement will not influence the water and sewer rates.

Comments: (Finance Committee) This article would transfer \$90,000 of Water Retained earnings for the DPW to use for Capital Equipment procurement. These funds would allow for the purchase of a water utility vehicle, allowing the Department of Public Waster to properly service the Town's water operations and repairs. Maintaining an aging fleet of vehicles can add additional costs to the Town through vehicle maintenance repairs. FinCom supports this transfer to strengthen the DPW's fleet, as rates will not be affected. This project went through the Capital Planning Committee's evaluation process.

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#### **ARTICLE: 24 SEWER ENTERPRISE RETAINED EARNINGS TRANSFER FOR SUMMER HILL ROAD SEWER CAPITAL IMPROVEMENTS**

To see if the town will vote to transfer from “Sewer Retained Earnings” the sum of \$120,000.00 to be used for the purpose of funding capital equipment improvements on the sewer collection system located on Summer Hill Road.

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: \$120,000.00  
FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): The transfer of Sewer Retained Earnings is for the purpose of supporting sewer collection system infrastructure repairs, modifications, and improvements on Summer Hill Road to mitigate consistent and historic failures of the collection system which has led to multiple sanitary sewer overflows resulting in increased insurance cost premiums and litigation issues.

Comments (Finance Committee): This article will transfer money from Sewer Retained Earnings for the purposes specified in the Sponsor Comments.

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#### **ARTICLE: 25 SEWER ENTERPRISE RETAINED EARNINGS TRANSFER FOR WASTEWATER TREATMENT FACILITY CAPITAL IMPROVEMENTS**

To see if the town will vote to transfer from “Sewer Retained Earnings” the sum of \$100,000.00 to be used for the purpose of funding Capital Equipment Improvements at the Town of Maynard’s Wastewater Treatment Facility.

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: \$100,000.00  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The transfer of Sewer Retained Earnings for the purpose of supporting capital equipment improvements combined with the town’s recent GAP III Grant award of \$89,075 through the Massachusetts Department of Environmental Protection (MassDEP) Clean Energy Results Program (CERP) in conjunction with the state’s Department of Energy Resources (DOER). Transferring \$100,000.00 will provide the town’s funding share to perform repair and replacement of aging energy deficient equipment, assisting in curving long term operational costs of the facility.

Comments: (Finance Committee) This article would transfer \$100,000 of Sewer Retained Earnings to be used to fund Capital Equipment Improvement at the Town’s Wastewater Treatment Facility. Through grant funding from MassDEP, CERP, along with the Department of Energy Resources, the Town has been able to have an additional source of

funds for the DPW to use. In order to secure these funds, the Town must also fund a share to the cause. FinCom supports this transfer as the Town would be securing grant funds of \$89,075, as well as improving aging energy deficient equipment. This project went through the Capital Planning Committee's evaluation process.

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## **ARTICLE: 26 CEMETERY PERPETUAL CARE TRUST FUND TRANSFER**

To see if the town will vote to transfer from "Cemetery Perpetual Care Trust" the sum of \$50,000.00 for the purpose of maintenance and operations at the Town of Maynard's municipal cemetery.

To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	\$50,000.00
FINCOM RECOMMENDATION:	Recommends

Comments: (Sponsor) The transfer of Cemetery Perpetual Care trust funds for the purpose of supporting annual maintenance and operational requirements in support of yearly operating budget for the Department of Public Works (DPW) cemetery division.

Comments: (Finance Committee) This article will move money from the Perpetual Care Trust (current balance \$320,849.55), which is funded by the purchase of perpetual care for cemetery plots, to the Perpetual Care Expenditure Account (current balance \$21,350.25) for the purpose of DPW expenses to care for cemetery grounds.

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## **ARTICLE: 27 DISPOSITION OF 1 SUMMER STREET**

To see if the town will vote to change the use of the property at 1 Summer Street (former fire station) from general municipal use to a property for sale and to authorize the Select Board to sell the property on the terms and conditions it deems appropriate and are in the best interest of the Town and to enter into any and all agreements to effectuate same.

To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments (Sponsor): The former fire station at 1 Summer Street became vacant when the Fire Department moved into their new home on Sudbury Street in December 2022. A working group was established and Maynard planning guides (ie Master Plan, Community Development Principles, Housing Production Plan, Zoning Bylaws) were consulted in determining a potential

future use of the parcel. A request for proposals (RFP) was issued in March to solicit proposals to purchase and redevelop the parcel.

Comments: (Finance Committee) This article allows for the Select Board to sell the former fire station at 1 Summer Street in the best interest of the Town.

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## **ARTICLE: 28 SPECIAL STABILIZATION ACCOUNT PURPOSE DEFINITION**

To see if the town will vote to amend the vote taken to accept M.G.L. c. 40 sec. 5B establishing a special revenue stabilization account by including that the purpose of said account established under Article 12 of the October 16, 2021 Special Town meeting is as follows:

The purpose of this fund shall be Community Improvements, including but not limited to, infrastructure improvements, beautification efforts, and cultural district programming.

To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments (Sponsor): This special stabilization account was approved during the Special Town Meeting on October 16, 2021. The state's Division of Local Services of the Department of Revenue (DOR) has since determined that a spending purpose must be identified in the language of the article. While the spending purpose was discussed before, it was not explicitly in the article. The proposed amendment accomplishes the requirement of DOR.

Comments: (Finance Committee) This is a housekeeping article to amend language in a prior approved article at Oct 2021 town meeting to bring it up to accepted definitions.

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## **ARTICLE: 29 MAYNARD GOLF COURSE RECEIPTS TRANSFER FISCAL YEAR 2023**

To see if the town will vote to transfer the sum of \$56,000.00 from the Maynard Golf Course Receipts Reserved for Appropriation to pay for capital improvement to the golf course.

To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	\$56,000.00
FINCOM RECOMMENDATION:	Recommends

Comments: (Sponsor) The transfer of revenue receipts provided to the Town of Maynard per contractual agreement with Sterling Golf Management Inc. will be utilized to complete capital

improvement projects to the Town of Maynard's country club assets. Requested allocations will be focused on full roof replacement & facility improvements to address several long-standing roof failures of the clubhouse facility, which continues to cause internal damage and structural capacity issues. The country club facilities currently house the Town of Maynard's Council on Aging (COA) and the country club's function hall. Roof failures have significantly impacted golf and function hall business over the past several years. Function hall proceeds are part of a direct revenue payment to the Town of Maynard per contractual agreement. Multiple yearly receipts allocations are being consolidated to fund a large-scale capital improvement project that cannot be solely funded through a single year funding appropriation. Current balance in our capital improvement account for this project is \$175,728.54.

Comments: (Finance Committee) The passage of this article would transfer the sum of \$56,000.00 from the Maynard Golf Course Receipts Reserved for Appropriation to pay for capital improvement to the golf course. This is part of an on-going savings plan to fund large-scale capital improvements to the Club House, as outlined in the Sponsor Comments.

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## **ARTICLE: 30 COMMUNITY PRESERVATION FUND BUDGET FISCAL YEAR 2024**

To see if the Town will vote to appropriate or reserve from FY2024 Community Preservation Fund revenues in the amounts recommended by the Community Preservation Committee (CPC), with each item to be considered a separate appropriation:

### **Appropriations:**

Administrative & Operating Expenses	\$10,000.00
Long-Term Debt - Principal	\$115,000.00
Long-Term Debt - Interest	\$9,700.00

### **Reserves:**

Historic Preservation Reserve	\$45,000.00
Open Space Reserve	\$45,000.00
Community Housing Reserve	\$45,000.00
<u>Budgeted Reserve</u>	<u>\$180,300.00</u>
<b>TOTAL FY2024 BUDGET</b>	<b>\$450,000.00</b>

To do or act thereon:

**SPONSORED BY:** Community Preservation Committee  
**APPROPRIATION:** \$134,700.00  
**FINCOM RECOMMENDATION:** Recommends

Comments (Sponsor Comments): Community Preservation Fund monies come from a 1.5% real estate tax surcharge on Maynard residential properties and a partial state match. This article authorizes the FY24 amounts to be added to the community preservation reserve funds. The funds can be used to support a variety of community projects, as defined by state Community

Preservation Act legislation. Applications for projects are reviewed annually, generally in the fall, and can come from community groups and town departments. This article also includes funding to cover ongoing debt payments on the municipal golf course land, which was purchased as a Community Preservation Fund project.

Comments (Finance Committee): Passage of this article would authorize \$450,000.00 in FY2022 Community Preservation Funds to be appropriated or reserved as recommended by the Town's Community Preservation Committee (CPC), as detailed in the article. This budget is based on the projection of revenue collected through the Community Preservation Act (CPA) real estate tax surcharge. The CPA program continues to be a valuable source of revenue to our Town with the benefit of the state partial match of funds. CPA funds can be used for designated uses only, and the CPC has distributed the anticipated monies according to the rules set forth by the CPA.

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## **ARTICLE: 31 COMMUNITY PRESERVATION FUND RESERVE FUND APPROPRIATIONS FISCAL YEAR 2024**

To see if the Town will vote to appropriate from Community Preservation Funds the amounts recommended by the Community Preservation Committee (CPC) for community preservation projects, as presented to the CPC, with each item to be considered a separate appropriation, in accordance with the requirements of Massachusetts General Laws Chapter 44B. At the discretion of the CPC, the deadline to return unexpended funds to their funding source may be granted an extension of up to one year.

### **Appropriations:**

From the Undesignated Reserve Fund, the amount of \$200,000.00 for the Maynard Affordable Housing Trust Fund.

From the Budgeted Reserve Fund, the amount of \$11,900.00 for membership dues to the Regional Housing Services Office, with unexpended funds as of June 30, 2024 being returned to their funding source.

From the Community Housing Reserve Fund, the amount of \$45,000.00 for the Concord Circle Door Replacement project, with unexpended funds as of June 30, 2025 being returned to their funding source.

From the Open Space Reserve Fund, the amount of \$50,000.00 for the Conservation Trust Fund.

From the Budgeted Reserve Fund, the amount of \$50,000.00 for the Reo Road Playground Design Phase I project, with unexpended funds as of June 30, 2025 being returned to their funding source.

From the Undesignated Reserve Fund, a maximum amount of \$200,000.00 for 75% of the soft cost, excluding project management costs, of the Alumni Field Bleacher Design project, with unexpended funds as of June 30, 2025 being returned to their funding source.

To do or act thereon.

SPONSORED BY: Community Preservation Committee  
 APPROPRIATION: \$556,900.00  
 FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): The funding for these projects comes from a 1.5% real estate tax surcharge on residential properties and a partial state match. Applications for projects can come from community groups and town departments. Project eligibility to use this funding is defined by state Community Preservation Act legislation.

- The funding for the Maynard Affordable Housing Trust will add to funds provided in previous years to support initiatives to create affordable housing in Maynard.
- The Regional Housing Services Office Membership will help the Town effectively implement, administer, and monitor affordable housing projects.
- The funds for the Concord Circle Door Replacement project will contribute to the installation of modern, energy-efficient, and accessible exterior doors on the Maynard Housing Authority apartments at Powder Mill Circle.
- The funding for the Conservation Trust Fund will add to funds provided in past years to support efforts to purchase property for conservation land protection.
- Funds for the Reo Road Playground project will fund a comprehensive engineering and design phase that will address current safety hazards and create a playground design layout with inclusive and fully-accessible equipment that will be suitable for the age ranges 2-5 and 5-12.
- The Alumni Field Bleacher Design project will fund the design, scope of work, engineering, and plans to be used to initiate the procurement process required to begin construction on new bleachers at Alumni Field. The 75% cost allowance accounts for CPA funds to be expended on only CPA eligible aspects of the design, based on the project estimate submitted with the application. The design will focus on creating safe and accessible seating with sufficient capacity for spectators of a variety of athletic and community events.

Comments (Finance Committee): Passage of this article would appropriate up to \$506,900 in FY2023 Community Preservation Funds to six projects, as detailed in the article. The funds in this article were collected through the Town's Community Preservation Act (CPA) real estate tax surcharge and state partial- matching funds. This vote is required in order for those funds to be used. The Town's Community Preservation Committee (CPC) oversees these funds and makes recommendations to Town Meeting voters on appropriations. The Finance Committee believes that the CPC has properly vetted these projects and that these projects provide long-term enhancements to our Town while keeping impacts to the taxpayers to a minimum.

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#### **ARTICLE: 32 PRIOR YEAR BILLS FISCAL YEAR 2023**

To see if the Town will vote to appropriate from certified free cash as of January 12th 2023, the sum of \$10,367.52 to pay a bill of a prior year and to be appropriated as follows:

Cabot Risk Strategies	\$ 2,874.22
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Eversource	\$ 7,213.34
Drivetech	\$ 279.96

To do or act thereon.

SPONSORED BY: Select Board  
 APPROPRIATION: \$ 10,367.52  
 FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): Reportedly due to company computer systems conversion error, the town's liability insurance provider issued outstanding invoices from 2017 and 2018 for injured on duty insurance deductibles. The town's electricity utility submitted unpaid invoices lasting approximately ten years for service to Crowe Field that had not been properly addressed to Town Hall. The town's contracted information technology services provider submitted invoices for June 2022 that were not encumbered in transition into the current fiscal year for payment.

Comments: (Finance Committee) Passage of this article appropriates \$ 10,367.52 from Free Cash for the purpose of paying bills from prior Fiscal Years. Anytime funds are needed for prior Fiscal Years, that appropriation must be voted on at Town Meeting. Town Counsel has advised that these bills, even those being several years outstanding, need to be paid. FinCom reviewed the circumstances for these prior years' bills and has found no deficiency in the Town's procedures.

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#### **ARTICLE: 33 CITIZENS' PETITION: RECOMMEND NEW ELEMENTARY SCHOOL OPERATE WITHOUT FOSSIL FUELS**

To see if the Town will vote to recommend to the Select Board that the proposed new Green Meadow Elementary School be designed and built to operate without fossil fuel for heating and cooking.

To do or act thereon.

SPONSORED BY: Citizens' Petition  
 APPROPRIATION: None  
 FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor)

As part of the measures to address climate change, both the state and federal governments are committed to electrifying the buildings and moving away from the use of fossil fuels. Likewise, Maynard is committed to moving away from fossil fuels and in the town's master plan, the voters approved wording calling for "net-zero energy in new construction or major renovations." Building a fossil fuel free school is not just consistent with the master plan but allows the town government to lead by example as residences and businesses are likewise encouraged to electrify.

At the time of this writing, the architect is reporting that the geothermal heat pump option for the heating system would result in the lowest tax burden for the citizens. So, the green option is both the least expensive and the most environmentally sound choice.

Climate change is the defining issue of our times. The planet is changing in profound, permanent and not fully understood ways. This is the world that our children will inherit. As we build their school, our love and concern for them must extend not just to their intellectual growth, but to the world they will inherit and hand to their children. We are but caretakers for future generations. The decisions we make today may feel symbolic, but they will reverberate for decades to come. Let's build a school we can be proud of. Let's build a school that does not heat with fossil fuels.

Comments: (Finance Committee) Town Counsel has advised that passage of this article would be advisory, but not binding. Therefore, passage of this article does not require action on the part of the Selectboard. Fincom voted to recommend based on the merits of subject matter rather than the action required due to the advisory nature of the article. The Green Meadow Building Committee is the governing body for further discussion of this subject.

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## **ARTICLE: 34 CITIZENS' PETITION: ADOPT NEW MUNICIPAL OPT-IN SPECIALIZED STRETCH CODE OF 2022**

To see if the Town will vote to Amend the Town By-laws by adopting the Department of Energy Resources (DOER) Municipal Opt-in Specialized Stretch Code of 2022 as the building code applicable for new construction of residential, commercial, and mixed-use structures, with an effective date of July 1, 2024 by deleting the current Chapter 25 Stretch Energy Code and replacing it with the following Chapter 25 Stretch and Specialized Energy Codes.

### **“CHAPTER 25**

#### **STRETCH AND SPECIALIZED ENERGY CODES**

##### **Section 1. Definitions**

- A. **International Energy Conservation Code (IECC)** – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.
- B. **Specialized Energy Code** – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

**C. Stretch Energy Code** - Codified by the combination of 225 CMR 22 and 23<sup>1</sup>, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

**Section 2.** Purpose. The purpose of 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

**Section 3.** Applicability. This energy code applies to residential and commercial buildings.

**Section 4.** The Town of Maynard, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 225 CMR 22 and 23, mandates adherence to Appendices RC and CC

**Section 5.** Specialized Code. The Specialized Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments, or modifications, is herein incorporated by reference into the Town of Maynard General Bylaws, Chapter 25.

**Section 6.** Enforcement. The Specialized Code is enforceable by the Building Commissioner or its designee.

**Section 7.** Enactment. This By-law shall go into effect on July 1, 2024.”

To do or act thereon.

**TOWN OF MAYNARD BY LAWS CHAPTER 25  
STRETCH ENERGY CODE**

**Section 1. Definitions**

**A. International Energy Conservation Code (IECC) 2009** The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

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<sup>1</sup> Note: The Stretch energy code was previously codified in 780CMR appendix 115.aa, prior to the passage of the 2021 Act Creating a Next-generation Roadmap for Massachusetts Climate Policy (2021 Climate Act). The 2021 Climate Act transferred authority for promulgation of the Stretch energy code to the Department of Energy Resources.

~~B. Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.~~

~~Section 2. Purpose.~~ The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

~~Section 3. Applicability.~~ This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93 as applicable.

~~Section 4. The Town of Maynard, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, mandates adherence to Appendix 115 AA.~~

~~Section 5. Stretch Code.~~ The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Maynard General Bylaws, Chapter 25.

~~Section 6. Enforcement.~~ The Stretch Code is enforceable by the building inspector official.

SPONSORED BY:	Citizens' Petition
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Does Not Recommend

Comments:

The opt-in portion of the building stretch code is designed to help Massachusetts achieve its goal of net zero carbon emissions by 2050, as well as the intermediate goals between now and then.<sup>2</sup> In addition, Maynard's Master Plan aims "for net-zero energy in new construction or major renovations."

This code would require all new buildings, both residential and commercial, including major additions,<sup>3</sup> to be net-zero ready. Net zero ready means that fossil fuels can still be used for heating, water heating and cooking, but the structure must be pre-wired so that all fossil fuel appliances can be easily replaced with electrical ones in the future. In addition, the structure must be wired to make it solar ready and accommodate at least one electric vehicle charger. (Once wiring is installed, many builders may opt to install heat pumps, electric or heat pump water heaters, electric clothes dryers, electric or induction stoves and solar panels, but this is not required.)

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<sup>2</sup> Massachusetts, a national leader on climate initiatives, including the passage of the Act Creating A Next-Generation Roadmap for Massachusetts Climate Policy (signing into law by Gov. Baker on March 26, 2021), which requires:

the 2030 emissions limit be at least 50% below the 1990 baseline

the 2040 emissions limit be at least 75% below the 1990 baseline

the 2050 emissions limit achieves at least net zero statewide greenhouse gas emissions.

<sup>3</sup> Additions of 1000 sq ft or more for residential and 100% of the existing building and less than 20,000 sq ft for commercial.

In addition, the building must be designed and constructed to industry best practices<sup>4</sup> which ensures among other things that building is well insulated and air leakage is minimized. The result is a state-of-the-art building that reduces heating and cooling loads. Net zero buildings are not significantly more expensive to build and have notably lower operating costs. Most importantly over their lifetimes (30 to 50 yrs or more) they have significantly lower carbon footprints than traditional structures. When converted to fully electric buildings, either at time of construction or later, these buildings can be as green as the grid – and every year a greater portion of the grid's electricity comes from renewable energy.

By building green we help to address the cascading environmental harms, severe health impacts, and property destruction which is already happening in many places around the world and is predicted to get far worse. Due to the current average global warming of more than 1°C relative to a pre-industrial baseline (World Meteorological Organization, 2020). Restoring a safe and stable climate will require deep greenhouse gas emission reductions through rapid, unprecedented transitions in all aspects of society, as described in the Intergovernmental Panel on Climate Change's (IPCC) Sixth Assessment Report, Climate Change, 2021) There is an urgent need for the buildings we build today to be as green as possible because they will be used for decades to come.

Comments: (Finance Committee) Passage of this article would update the Town By-laws Chapter 25 as shown. After consultation with the DPW Director and Town Planner, Fincom does not recommend passage of this article. All of the consequences to the Town with this early adoption are not fully understood, and therefore Fincom believes this change requires a full deliberative process involving the Planning Board, Planning Department, and other relevant experts before moving forward.

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#### **ARTICLE: 35 AMEND ZONING BY-LAW SECTION 9.4.5, MIXED USE AND MULTIFAMILY REDUCED AREA REQUIREMENT; DEVELOPMENT AGREEMENT**

To see if the town will vote to

**Amend Section 9.4.5, USE REGULATIONS, TABLE A, “4. BUSINESS USES”,** of the Zoning By-Laws, by replacing it in its entirety so that it reads (the proposed additional text is underlined, deleted text is stricken.):

**9.4.5 Mixed Use and Multifamily Reduced Area Requirement; Development Agreement.** In order to provide maximum flexibility to prospective developers while ensuring sufficient safeguards for the Town, a Special Permit may be issued by the SPGA to reduce the minimum lot requirement for multi-family and mixed use to a minimum of eight hundred (800) sq. ft. per residential unit provided a Development Agreement is executed between the Developer and The

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<sup>4</sup> Building envelopes must meet rigorous Home Energy Rating System standards that include design evaluation and post construction testing.

Town of Maynard acting by and through the Select Board and the Planning Board. The Development Agreement must be executed by all parties by the close of the public hearing.

1. The Development Agreement shall include the following:

- a. Agreement from the developer to include in the development a number of “affordable” units equal to or greater than the percentage of the total number of units in the development as shown below, rounded up to the nearest whole unit.

### Affordable Units Required by Project Size

<u>Project Size (units)</u>	<u>Percentage of Affordable Units</u>
6-17 units	15%
18 or more units	25%

For projects of 17 or fewer units, the affordable units shall be affordable to households with income at 80% of Area Median Income (AMI).

For projects of 18 or more units, the affordable units shall be affordable to households with income at 80% of AMI, except a number of the affordable units equal to one-quarter of the additional project units allowed by the reduction in the minimum lot requirement per unit shall be provided for households with income at 60% of AMI. For example, if reducing the minimum lot requirement from 1,500 sf per unit to 800 sf per unit allows the number of units to increase from 10 to 18, then 2 of the affordable units shall be affordable for households with income at 60% of AMI. When calculating the number of 60% AMI units, fractional units of ½ or greater shall be rounded up to the nearest whole number.

The Developer shall be responsible for all costs associated with any applications and/or restrictions required by the Department of Housing and Community Development to approve the units as includable on the Subsidized Housing Inventory of the Town, including but not limited to Local Action Unit applications, Regulatory Agreements and Deed Riders. The Developer also is solely responsible for any subsequent administration or other maintenance necessary to maintain units’ designation as affordable whether ongoing or one-time actions.

- b. Agreement from the Developer to make a monetary donation, in an amount as prescribed in the Planning Board Regulations (see Miscellaneous: A. Safe Harbor Valuation of Open Space), to the Conservation Trust Fund or other Town fund or account for the purposes of acquiring, improving, and preserving open space or recreation land, to provide funding for:

- i. The acquisition of such open space, including expenses directly related to such land purchases.
- ii. The acquisition, creation, preservation, rehabilitation, improvement, or restoration of land or facilities for recreation; and/or
- iii. To provide funding for the planning, design and construction of accessible ramps, audible crossing signals, and other improvements needed to remove barriers to entry or use of the Town of Maynard’s open space or recreation lands by those with disabilities, or to provide funding for such purposes for the Town of Maynard’s matching monies for state and federal grant programs that require a local match.

In place of some or all of a monetary donation, the Developer may provide materials and construction services, of value approved by affirmative vote of the Planning Board.

In place of some or all of a monetary donation, the Developer may donate open space or recreation lands, in perpetuity and of at least equivalent value, as approved by affirmative vote of the Planning Board.

2. The Development Agreement may also include, but shall not be limited to, any of the following:

- a. Description, funding commitments, and phasing of project work needed to be done on Town lands or rights-of-way.
- b. Description, funding commitments, and schedule for work to mitigate transportation, utility, natural resource, and other impacts on the Town created by the proposed development.
- c. Commitments regarding operations and/or types of uses in any commercial space, including provisions for interim use during periods of extended vacancy, and
- d. Any other provision authorized by the Town of Maynard's By-laws, protective Zoning By-laws or Planning Board's Rules and Regulations.

#### **9.4.5 Mixed Use and Multifamily Reduced Area Requirement; Development Agreement.**

In order to provide maximum flexibility to prospective developers while ensuring sufficient safeguards for the Town, a Special Permit may be issued by the SPGA to reduce the minimum lot requirement for multi-family and mixed use to a minimum of eight hundred (800) sq. ft. per residential unit if and only if an executed Development Agreement between the Developer and The Town of Maynard acting by and through the Select Board and the Planning Board. The development agreement shall include all of the following:

1. Agreement from the developer to include in the development a number of "affordable" units equal to or greater than 15% of the total number of units in the development, rounded up to the nearest whole unit or an agreement from the developer to make a donation to the "Maynard Affordable Housing Trust" (or any equivalent town fund or account which is dedicated to the development of "affordable" housing stock) equal in value to the whole number of affordable units, multiplied by the "affordable unit equivalent" (in dollars). This "affordable unit equivalent" shall be determined by the Affordable Housing Trust, or in the absence of such a Trust, by the Select Board. This does not preclude the applicability of the Town's Inclusionary Zoning By-law. If the development is subject to the Inclusionary Zoning By-law, the most restrictive of the requirements shall apply.<sup>229</sup>
2. Agreement from the Developer to make a donation to the Maynard Community Preservation Fund, or other equivalent town fund or account dedicated to the acquisition and preservation of open space or recreation land in an amount as prescribed in the Planning Board Regulations.<sup>229</sup>

The development agreement may include any of the following but shall not be limited to the following:

3. Description of Development Characteristics;
4. Type of housing;

5. Number of units and/or bedrooms, Rental vs. owned, Percentage owner occupied if condominiums, Age restrictions, Subsidizations, Affordable component, Townhouse vs. Garden Style, Architecture;

6. Parking proposed, including underground;

7. Percentage and type of retail (if applicable);

8. Long term use guarantee (to remain in retail);

9. Sales of goods vs. restaurant uses defined;

10. Percentage and type of commercial use(s) if applicable;

11. Flexibility of changing use to be allowed;

12. Show consistent or reduced parking usage intensity;

13. Type and quality of construction proposed;

14. Number of stories/height;

15. Percent lot coverage;

16. Mitigation / Infrastructure Improvements. To fund or contribute to the Town to fund the mitigation of impacts to Town services created by the proposed development. Examples include the following:

- a. Public infrastructure improvements
- b. Water supply wells, permitting, improvements
- c. Water main improvements.
- d. Sewer main lines and structures.
- e. Sewage treatment plant upgrades/improvements.
- f. Storm water improvements, including aiding the Town to comply with municipal National Pollution Discharge Elimination System (NPDES) requirements.
- g. Cable utilities improvements or conversion to underground utilities.
- h. Proposed traffic mitigation.

To do or act thereon.

SPONSORED BY:	Planning Board
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments: (Sponsor) The proposed revision makes a number of adjustments to the regulatory framework to allow density bonuses in the “Downtown Overlay District” (DOD). While generally consistent with the deleted text, the replacement text addresses, clarifies and simplifies several areas the Planning Board has experienced difficulties when negotiating and permitting development where the density bonus is sought.

DHCD (Department of Housing and Community Development) guidelines currently define “affordable housing” as housing affordable to individuals making 80% of Area Median Income (AMI). The AMI is for the Greater Boston Metropolitan Statistical area (MSA).

Based on Census data and the Town's Housing Production Plan (HPP) the Planning Board believes that 80% AMI does not represent actual affordability for many Maynard residents. The proposed amendment creates a mechanism that will add units affordable to those making 60% of the AMI (rather than 80%) when the Planning Board considers density bonuses for DOD projects.

Comments: (Finance Committee) Passage of this article would amend the Town's Protective Zoning Bylaws, specifically Section 9.4.5, "Mixed Use and Multifamily Reduced Area Requirement; Development Agreement," to clarify and simplify the Zoning Bylaws. These changes would enable the Planning Board to negotiate clearer development agreements while protecting the Town's interests.

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## **ARTICLE: 36 AMEND ZONING BY-LAW SECTION 3.1.2, 7.2, AND 11.0: BODY ART ESTABLISHMENTS**

To see if the town will vote to

1. **Amend Section 3.1.2, USE REGULATIONS, TABLE A, "4. BUSINESS USES", to allow Body Art Establishments use "by right" in the Business, Central Business and Health Care Industrial Zoning Districts and by Special Permit of the Planning Board within the Industrial Zoning District (I) so that it reads (the proposed additional text is underlined, deleted text is stricken.):**

<b>4. Business Uses</b>	<b>S-1</b>	<b>S-2</b>	<b>GR</b>	<b>B</b>	<b>CB</b>	<b>HCI</b>	<b>I</b>	<b>GA</b>	<b>OS</b>
Body Art Establishments	N	N	N	<del>PB</del> <u>Y</u>	<del>N</del> <u>Y</u>	<del>N</del> <u>Y</u>	PB	N	N

2. **Amend Section 7.2 Body art establishments** of the Zoning By-Laws, by removing it in its entirety:

### **7.2 BODY ART ESTABLISHMENTS**

~~7.2.1 General. Body Art Establishments as defined in the Section 11.0 shall not be considered a customary home occupation.~~

~~7.2.2 Spacing Requirements. A structure containing a Body Art Establishment shall not be located in or within 100 feet of any structure containing a dwelling unit, or in an establishment where liquor is sold or consumed or as an accessory use to any other use permitted in this By-law.~~

~~7.2.32 Standards.~~

1. ~~Body Art Establishments in no case shall operate between the hours of 10:00 P.M. and 10:00 A.M.~~
2. ~~Body Art Establishments shall not operate without a valid permit from the Board of Health.~~
3. ~~Body Art Establishments shall comply with all dimensional requirements of this By-law.~~

4. ~~Body Art Establishments shall have a minimum of two (2) parking spaces unless there is a public parking lot within 500 feet of the establishment.~~
5. ~~Body Art Establishments shall comply with all the sign provisions of this By law.~~

3. **Amend Section 11.0 DEFINITIONS** of the Zoning By-Laws, so that it reads (the proposed additional text is underlined, deleted text is stricken.):

**Body Art:** The practice of physical body adornment by ~~permitting~~ permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the Massachusetts Board of Registration in Medicine, such as implants under the skin, which are prohibited.

**Body Art Establishment:** A location, place or business that has been granted a permit by the Maynard Board of Health, whether public or private, where the practices of Body Art are performed, whether or not for profit.

To do or act thereon.

SPONSORED BY:	Planning Board
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

**Comments (Sponsor):** The Planning Board believes Body Art is locationally appropriate in the same locations as a nail salon or other personal service. Changes Body Art Establishments from a “Special Permit Use” to a “By-right” use in the Business, Central Business and Healthcare Industrial District.

The Planning Board believes the existing Board of Health regulatory framework for body art adequately regulates Body Art and that the existing language is repetitive and/or outdated. Removing Section 7.2 section limits the Planning Board’s role in the regulation of Body Art establishments to designation of appropriate zoning districts. The districts are generally consistent with where a hair salon or other personal service are allowed.

Dimensional/development related standards of Body Art establishments would be governed as a hair salon or other personal service would be under the Zoning By-laws.

**Comments:** (Finance Committee) Passage of this article would amend the Town’s Protective Zoning Bylaws to allow Body Art Establishments use “by right” in the Town’s Business, Central Business, and Health Care Industrial Zoning Districts. (They are currently allowed only by “Special Permit” from the Planning Board in the Town’s Business and Industrial Districts.) With this change, body art establishments would be treated from a zoning perspective in similar way to medical offices and personal service establishments (such as beauty and barber shops, dry cleaning pick-up stores, laundromats, massage therapy, tanning salons, etc.). The Finance Committee believes that passage of this article would foster appropriate business uses.

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**ARTICLE: 37 AMEND ZONING BY-LAW SECTION 3.1.2, 3.2, 6.1.5, AND 8.3:  
USE REGULATIONS, PARKING SPACE REQUIREMENTS,  
ACCESSORY HOME-BASED ACTIVITIES**

To see if the town will vote to amend the Town of Maynard Zoning By-laws as follows:

**A. Amend Section 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”,** to incorporate the new categories of Type “A” or Type “B” Accessory Home-Based Business Activities (AHBBA). Additionally, several other changes are proposed to clarify the regulatory framework for AHBAs. The amendment would amend Table A Section 6 Accessory and Other Uses to read (proposed new text underlined), deleted text stricken):

Other Uses									
6. Accessory and Other Uses	S-1	S-2	GR	B	CB	I	HCI	GA	OS
Accessory agriculture	Y	Y	Y	Y	N	N	N	N	N
Accessory Apartment	BA	BA	BA	BA	BA	N	N	N	N
<del>Accessory nonresidential uses</del>									
<del>Nonresidential accessory use to nonresidential principal use</del>	N	N	N	Y	Y	Y	Y	Y	N
Adult Day Care	BA	BA	BA	BA	BA	N	BA	N	N
Craft marijuana cultivator cooperative <sup>213</sup>	N	N	N	N	N	N	N	N	N
<del>Customary Home Occupation</del>	¥	¥	¥	¥	¥	¥	¥	¥	¥
<del>Customary Home Occupation with nonresident employee(s)</del>	BA	BA	BA	¥	BA	¥	¥	¥	¥
Drive-in or drive-through facility	N	N	N	PB	PB	PB	PB	N	N
Family day care home, large	BA	BA	BA	BA	BA	N	N	N	N
Family day care home, small	Y	Y	Y	Y	Y	N	N	N	N
<del>Hair dresser, novelty shop, antique shop in home</del>	BA	BA	BA	¥	¥	¥	¥	¥	¥
In-home real estate office	BA	BA	BA	¥	¥	N	N	N	N
Kennel, private	BA	BA	BA	BA	N	BA	N	N	N
Overnight outdoors parking of more than one commercial vehicle not to exceed 25,000 gvw	BA	BA	BA	BA	BA	Y	Y	N	N
Overnight outdoors parking of one commercial vehicle not to exceed 25,000 gvw	Y	Y	Y	Y	Y	Y	Y	N	N
Overnight outdoors parking of one or more commercial vehicles in excess of 25,000 gvw	BA	BA	BA	BA	BA	Y	Y	N	N
Recreational use	BA	BA	BA	Y	Y	Y	Y	Y	Y
Seasonal and Charitable sales	PB	PB	PB	Y	Y	Y	Y	N	N
<del>Accessory Home-Based Business Activity, Type A</del>	Y	Y	Y	Y	Y	Y	Y	Y	Y
<del>Accessory Home-Based Business Activity, Type B</del>	BA	BA	BA	BA	BA	BA	BA	BA	Y
Temporary sales (See Section 7.8) *	N	N	N	Y	Y	Y	Y	Y	Y
Trade Shop	BA	BA	BA	¥	¥	N	¥ <sup>184</sup>	N	N

\* Requires Select Board Approval

**B. Amend Section 3.0, “USE REGULATIONS” BY AMENDING SECTION 3.2 “ACCESSORY Uses”, so that it would read (new text is underlined, deleted text is stricken):**

### **3.2 ACCESSORY USES**

**3.2.1 General** An accessory use located on the same lot with, and customarily incidental to, any of uses set forth in the Table of Uses as allowed or allowed by Special Permit shall be permitted; provided, that such accessory use shall not be detrimental to a residential neighborhood and shall not change the outward character of the district.

**3.2.2 Letting of Rooms; Taking of Boarders; Preparing Food for Sale** The letting of rooms, or taking of boarders, or preparing food for sale shall be a permitted accessory use.

**3.2.3 Outdoor Parking of Commercial Vehicles** Not more than one commercial vehicle of 25,000 gross vehicle weight (GVW.) or less may be regularly parked outdoors and overnight in a Residential District, except on a farm. By Special Permit, the Board of Appeals may authorize more or larger vehicles.

**3.2.4 Home Occupation** Any of the customary home occupations shall be allowed as of right, conducted by resident occupants only, including, but not limited to, the work of any member of a recognized lawful profession, subject to the following:

1. **Hairdressing; Certain Sales.** The Board of Appeals by Special Permit may authorize the use of a room in a dwelling for hairdressing or the sale of gift novelties and antiques by a resident occupant only, provided the residential character of the premises is not changed.
2. **Real Estate Office.** The Board of Appeals may authorize by Special Permit the use of any portion of a dwelling for the use as a real estate business office subject to the conditions imposed by the board; provided, however, that said business shall be owned, managed and operated exclusively by residents of said dwelling, and employ no persons who are nonresidents of said dwelling, and provided that further said office is unassociated with the operation of any other real estate office.

**3.2.5 Trade Shop** A builder, carpenter, mason, painter, plumber, tinsmith, upholsterer, machinist, or other craftsmen who lives and maintains a home on the premises or building may use said home or building thereon in connection with his trade by annual Special Permit from the Board of Appeals.

**3.2.4 Accessory Home-Based Business Activities: AHBBAs** may be allowed as set forth in the Table of Use Regulations and Section 8.3 of the Zoning By-laws.

**3.2.5 Deleted.**

**3.2.6 Family Day Care Home** A family day care home may be allowed as set forth in the Table of Uses.

**3.2.7 Adult Day Care** Adult day care may be allowed as an accessory use as set forth in the Table of Uses.

**3.2.8 Seasonal and Charitable Sales.** The Planning Board may authorize by Special Permit seasonal and charitable sales by a non-profit charitable organization (such application shall include written permission from the property owner for the sales), if such sales do not, in the

judgment of the Maynard Building Commissioner, constitute a significant and unreasonable impact on neighboring properties as regards to parking, traffic, light, noise, fumes, etc.

**C. Amend Section 6.1.5, TABLE C – “PARKING SPACE REQUIREMENTS”, so that it reads (new text is underlined, deleted text is stricken):**

**6.1.5 Parking Space Requirements.** Parking shall comply with the following Table C:

**TABLE C – PARKING SPACE REQUIREMENTS**

Type of Use	Minimum number of parking spaces to be provided
Home Occupation	<del>2 per nonresidents employed, or where retail sales are conducted Board of Appeals shall have the authority under Section 3.2 to require the number of parking spaces which it deems to be adequate and reasonable.</del>
Accessory Home-Based Business Activity	Per Section 8.3

**D. Amend Section 8.0 SPECIAL RESIDENTIAL REGULATIONS, BY creating section 8.3: “ACCESSORY HOME-BASED BUSINESS ACTIVITIES”, to read as follows:**

## **SECTION 8.3 ACCESSORY HOME-BASED BUSINESS ACTIVITIES**

### **8.3.1 Purpose**

An Accessory Home-Based Business Activity (AHBBA) is an occupation, service, profession, or enterprise that operates out of a residential structure or an accessory building, by the resident or residents, that is incidental and secondary to the primary residential dwelling unit.

The purpose of this section is to recognize that particular professional and business activities are traditionally and inoffensively carried on in the home and to set standards regarding noise, glare, odor, visual, traffic, parking, and other potential impacts so as to protect and maintain the character of abutting properties and of the residential neighborhood.

This section establishes two categories of Accessory Home-Based Business Activities – “Type A”, which is allowed as of right (no Special Permit required to conduct the activity) and “Type B” which may be allowed by a discretionary Special Permit issued by a Special Permit Granting Authority (SPGA). Where a Special Permit is granted, the SPGA may include in the Special Permit any conditions or limitations deemed necessary to mitigate potential negative impacts on abutting properties and the residential character of the neighborhood.

### **8.3.2 Application**

1. Type-A Accessory Home-Based Business Activities generally take place with little or no evidence that a property is used in any way other than a dwelling. They must be in compliance with Sections 8.3.3 and 8.3.4 and shall be allowed as of right and do not require a Special Permit.
2. Type-B Accessory Home-Based Business Activities generally take place with significant evidence that a business or professional activity is occurring. They may be

allowed by Special Permit from the Special Permit Granting Authority, per Sections 8.3.3, 8.3.5 and 8.3.6 and Section 10.4.

3. Accessory Home-Based Business Activities are allowed in zoning districts as specified in the 3.1.2 Table of Use Regulations.
4. The following activities are not considered Accessory Home-Based Business Activities and are not subject to the provisions of Section 8.3.
  - a. “Telework” and “Work at Home” activities where employees of a business, located at another location, perform work for the business in their own residence, provided all physical contact between the business and the employee occurs at the place of business and not the residence.
  - b. Overnight parking of one vehicle or one vehicle with a trailer provided to a resident in conjunction with their employment at an off-premises job.
  - c. Unattended roadside sales of agricultural products cultivated on site
  - d. Children’s lemonade stands or similar.
  - e. Garage/yard sales that last no more than two consecutive days and occur no more often than once in a calendar month.
  - f. The use of personal vehicles for ride hailing, livery, or delivery app services.
  - g. Preparation of food for charitable events.
  - h. Rental of residential garage space for indoor seasonal storage of watercraft and motor vehicles.
  - i. Other accessory uses addressed in other sections of the Zoning By-Law.

### **8.3.3 Requirements – General Provisions**

The following criteria shall apply to both Type-A and Type-B Accessory Home-Based Business Activities.

1. The business owner must reside on the property.
2. The AHBBA is clearly incidental and secondary to the use of the premises for dwelling purposes.
3. There shall be no change in the outside appearance of the premises, including buildings and grounds, that is not in keeping with the residential character and appearance of the neighborhood.
4. No equipment or process shall be used in an AHBBA that creates noise, vibration, glares, fumes, electrical interference, or odors detrimental to the safety, peace, comfort, or general welfare of the persons residing in the neighborhood.
5. The AHBBA shall not generate, use, or store hazardous materials or waste in quantities greater than associated with normal household use, other than as approved by the Fire Chief.
6. Vehicles, Parking and Traffic
  - a. Off-street parking spaces shall be provided for all the AHBBA’s commercial vehicles and trailers, and all the AHBBA’s non-resident employee vehicles. None of these vehicles or trailers shall be parked on the street.
  - b. Any parking area shall retain the character of the residential neighborhood.

- c. The AHBBA and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.
- d. Motor vehicles used in conjunction with the AHBBA and stored overnight on the property must be owned or leased by the operator of the business, with the vehicle's principal place of garaging recorded as the property address.
- e. Motor vehicles or construction equipment used in conjunction with the AHBBA that are equipped with back-up alarms, shall not be operated on the property. The pedestrian alert sounds required by the National Highway Traffic Safety Administration for hybrid and electric vehicles are excluded from this prohibition.
- f. Light maintenance and preventive maintenance of the AHBBA's business vehicles and business equipment, only as defined in 8.3.7, is allowed outdoors. No other repair or maintenance of the AHBBA's business vehicles, construction equipment or landscape equipment is allowed unless done indoors without outward visual or audible evidence of the activity.

7. More than one AHBBA may be conducted on a premises, however, the combined business-related impact of all AHBBA's shall be considered when evaluating the terms of Section 8.3.

#### **8.3.4 Requirements – Type-A Accessory Home-Based Business Activities**

Accessory Home-Based Businesses shall be considered "Type A" if in compliance with Section 8.3.3 Requirements-General Provisions and the following provisions.

- 1. All employees working on site shall reside at the premises.
- 2. No more than two (2) business-related vehicle visits per any day nor more than ten (10) visits per any week at the premises shall be permitted. This excludes business-related vehicle trips by residents of the dwelling and trips by delivery vehicles.
- 3. One commercial vehicle is allowed to be parked overnight.
- 4. No commercial trailers and heavy construction equipment on the property.
- 5. Customers, clients, patients, students, or other patrons of the AHBBA shall be allowed on the premises only during the hours of 9:00 a.m. and 5:00 p.m. weekdays.
- 6. The AHBBA shall not generate noise, vibration, glares, fumes, or odors discernable beyond the property line.

#### **8.3.5 Special Permits for Type-B Accessory Home-Based Business Activities**

- 1. Permits for Type-B AHBBA's are issued by the Special Permit Granting Authority (SPGA) and are subject to the application procedures and fee schedule established by that SPGA.
- 2. Permits may be issued for an initial period of one (1) to three (3) years. Renewals may be issued for a period of one (1) to five (5) years. Each application for permit renewal shall be processed in accordance with the procedural requirement of the initial permit.
- 3. All permits run with the business activity and business owner and not the property. In cases of business ownership transfer to another resident of the dwelling, the permit may be continued upon written notice to the Office of Municipal Services (OMS).

4. The Town reserves the right upon issuing any AHBBA permit to inspect the premises in which the activity is being conducted to ensure compliance with the provisions of this Section or any conditions additionally imposed.
5. A Type B AHBBA Special Permit may only be issued to a tenant or occupant of the dwelling if the owner(s) of record of the property, or their designee, has provided written approval of the application. The approval shall clearly indicate the owner has reviewed the applicant's proposed use and has no objections.
6. A Type B AHBBA Special Permit may only be issued for a dwelling unit within a condominium property if the condominium association has provided written approval of the application. The approval shall clearly indicate the association has reviewed the applicant's proposed use and has no objections.

### **8.3.6 Special Permit Criteria – Type-B Accessory Home-Based Business Activities**

1. In addition to the criteria and requirements set forth hereunder, the provisions of Section 10.4 shall apply to Special Permits under this Section.
2. Type-B Accessory Home-Based Businesses Activities shall comply with Section 8.3.3 Requirements-General Provisions and the following provisions.
3. Any of the following characteristics (a-n) of an AHBBA may be approved as part of a Special Permit only if the SPGA finds that potentially detrimental impacts of that characteristic on abutting properties and the residential character of the neighborhood would be mitigated.

The finding shall consider the location, size, terrain, or other features of the property, and the effects of the operations of the business activity. The SPGA may also include, as part of the Special Permit, specific conditions, safeguards, and limitations on time or use for each characteristic (a-n).

Each of the listed characteristics applicable to the proposed AHBBA must be approved individually. If a characteristic (a-n) is not specifically approved, it is not allowed.

- a. The area of building space exclusively or regularly used by the AHBBA is more than 25% of the gross floor area of the dwelling.
- b. Use of an accessory building by the AHBBA.
- c. One (1) or more non-resident employees working at the premises at any one time.
- d. A non-resident employee working on site other than on weekdays between the hours of 9:00 a.m. and 5:00 p.m.
- e. Customers, clients, patients, students, or other patrons of the AHBBA on the premises other than on weekdays between the hours of 9:00 a.m. and 5:00 p.m.
- f. More than two (2) business-related vehicle visits per any day or more than 10 visits per any week, other than business-related vehicle trips by residents of the dwelling and trips by delivery vehicles.
- g. More than two (2) customers, clients, patients, or other patrons of the AHBBA on the premises at any given time or, for instructional activities, more than four (4) students at a time.
- h. Use of more than a total of one (1) on-street parking space by customers, clients, patients, students, or other patrons of the AHBBA.

- i. The delivery or distribution of products or materials related to the AHBBA by other than a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
- j. More than one (1) commercial motor vehicle and one (1) trailer used principally for the business parked outside overnight on the property.
- k. Heavy construction equipment on the property.
- l. Noise, vibration, glares, fumes, or odors discernable beyond the property line.
- m. The outdoor storage of equipment, material or goods, other than commercial vehicles.
- n. Business activities that take place outdoors on the property.

### **8.3.7 Special Definitions**

The following definitions are specific to Section 8.3. For other definitions see Section 11.0.

- 1. **Business-related vehicle visits:** Visits to an AHBBA by clients/patrons and non-resident employees of the AHBBA who arrive in a motor vehicle. The arrival and departure of the motor vehicle shall be considered as one (1) business-related vehicle visit regardless of the time between arrival and departure and the number of persons in the vehicle.
- 2. **Preventive maintenance of business vehicles and equipment:** Work performed to maintain proper operation and safety, such as tune ups, fluid top offs or change, brake pads/brake parts, tire repair, light bulbs, windshield wiper replacement and other adjustments generally expected to take less than an hour to perform and which do not require the use of loud/noisy air or electrical tools.
- 3. **Light maintenance of business vehicles and equipment:** Work performed based on an urgent need only, generally expected to take less than four (4) hours to complete, and which do not require the use of loud/noisy air or electrical tools.
- 4. **Heavy construction equipment:** Self-propelled vehicles with an operating weight greater than 3,000 pounds that are used in construction and landscaping work and not registered for on-road driving. These include, but are not limited to, skidders, cranes, backhoes, loaders, excavators, tractors, and graders.
- 5. **Commercial Vehicle:** Any motor vehicle with Business Markings or Business Advertisement, or any motor vehicle which is not a Private Passenger Motor Vehicle, antique motor car, motorcycle, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, or school pupil transport vehicle.
- 6. **Business Advertisement:** A business advertisement on a motor vehicle includes, but is not limited to, a notice, slogan, image, logo, internet address or a design, or any combination, intended to draw public attention to a company or organization or to a product or service.
- 7. **Business Marking:** A business marking on a motor vehicle includes, but is not limited to, a name, address, telephone number, internet address or any combination or other indicia that identifies the owner or lessee of the vehicle.

8. **Private Passenger Motor Vehicle:** shall include all motor vehicles eligible for passenger plates per the Massachusetts' RMV Passenger Plate Manual and 540 Code of Massachusetts Regulations (CMR) 2 Motor Vehicle Regulations.
9. **Non-resident Employee:** shall include persons not residing at the residence but involved with the AHBBA activities, whether full or part-time, paid or unpaid or independent contractors.

To do or act thereon.

SPONSORED BY:	PLANNING BOARD
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments (Sponsor): This amendment contains several proposed changes to the Zoning By-laws to address the operation of businesses in residential districts as an accessory use.

Following several recent Zoning Board of Appeals (ZBA) hearings for the permitting of both “Home Occupations” and “Trade Shops” the Planning Board concluded that the existing regulations for these uses are outdated and require updating to reflect current trends. The ZBA and the Planning Board together have drafted proposed changes creating a new section of the Zoning By-laws to regulate “Accessory Home-Based Business Activities” (AHBBA) proposed as Section 8.3.

Essentially, the proposed regulations focus on how a home-based business may impact the surrounding area rather than on the type of business itself.

- The proposed amendment to Section 3.1.2 establishes two types of AHBBA's. A Type “A” AHBBA would be allowed as of right (no Special Permit required) and would apply to the vast majority of home-based business activities currently taking place. Type “B” AHBBA's would still be allowed but would require a Special Permit from the Special Permit Granting Authority (usually the ZBA).
- The proposed amendment to Section 3.2 “accessory nonresidential use” is made to clarify that it applies only to accessory uses of principal commercial uses. For example, a hotel with a bar. The hotel would be the principal use and the bar would be an allowed accessory use.
- The proposed amendment to Section 6.1.5 stipulates that AHBBA parking requirements shall default to Section 8.3.
- The proposed Section 8.3 focuses on how a home-based business may impact the surrounding area rather than on the type of business itself. Accordingly, Customary Home Occupations; Customary Home Occupation with nonresident employee(s); Hair dresser, novelty shop, antique shop in home; In home real estate office, and Trade Shop are removed from the list of specific accessory uses. They would still be allowed under the proposed Section 8.3 regulations.

Comments: (Finance Committee) Passage of this article would amend the Town's Protective Zoning Bylaws to define, specify, and clarify Accessory Home-Based Business Activity (AHBBA) as an accessory use. The article specifies that neither “telework” and “work at home,”

nor overnight parking of a business-related vehicle, nor certain other minor activities are not subject to these provisions. By defining and specifying two types of AHBBAs—Type A, meaning “little or no evidence that a property is used any way other than a dwelling”, and Type B, meaning “with significant evidence that a business or professional activity is occurring”—the provisions of this article would foster appropriate home-based business uses while protecting the interests of those residing in Maynard. (See sponsor comments for additional detail.)

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## **ARTICLE: 38 AMEND ZONING BY-LAW SECTION 3.1.2 AND 11: BUSINESS USES FOR TRADE SHOP AND DEFINITIONS**

To see if the town will vote to

- 1. Amend Section 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”,** of the Zoning By-Laws, to add a Trade Shop use “by right” in the Business, Central Business and Industrial Zoning District and by Special Permit of the Planning Board within the Health Care Industrial Zoning Districts. This will amend the Use Regulations Table, Section 4 Business Uses, as depicted below: (the proposed new text is underlined.):

Principal Use									
4. Business Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
Trade Shop	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>BA</u>	<u>Y</u>	<u>N</u>	<u>N</u>

- 2. Amend Section 11.0 DEFINITIONS** of the Zoning By-Laws, to add the following definition (the proposed new text is underlined.):

**Trade Shop: A building, structure, or premises used by a practitioner of a trade or a craft.**

To do or act thereon.

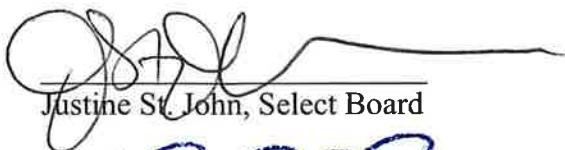
SPONSORED BY: Planning Board  
 APPROPRIATION: None  
 FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The Planning Board, after a request by the Building Commissioner, has found it desirable to specify Trade Shop as a Principal Use, in order to clarify that such uses are allowed in certain zoning districts. This also provides a definition for the Trade Shop use.

Comments: (Finance Committee) Passage of this article would amend the Town’s Protective Zoning Bylaws to define and specify Trade Shop as a Principal Use, “by right” in the Business,

Central Business, and Industrial Zoning Districts and by “Special Permit” from the Zoning Board of Appeals in the Health Care Industrial Zoning District. (Trade shops are currently allowed only as an accessory use—i.e., not principal use—“by right” in the Business, Central Business, and Health Care Industrial Zoning Districts, and by “Special Permit” from the Zoning Board of Appeals in residential zoning districts. These accessory uses would not be affected by this Town Meeting vote.) The Finance Committee believes that passage of this article would foster appropriate business uses while protecting the interests of those residing in Maynard.

Given under our hands this **18th** day of April in the year of Two Thousand and Twenty-Three.



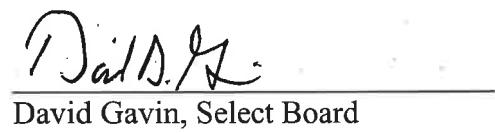
Justine St. John, Select Board



Jeffrey Swanberg, Select Board



Chris DiSilva, Select Board



David Gavin, Select Board

A true copy, Attest



Mary McCue

Constable of Maynard.

## Appendix A: Town General Fund Budget Fiscal Year 2024

	<u>ACCOUNT NAME</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2023 vs FY2024</u>
114	Total Salaries - Moderator	\$ -	\$ -	\$ -
114	Total Other Expenses - Moderator	\$ 149	\$ 200	\$ 51
114	Total Moderator Expenses	\$ 149	\$ 200	\$ 51
122	Total Salaries - Selectman	\$ 74,119	\$ 75,601	\$ 1,482
122	Total Other Expenses - Selectman	\$ 25,500	\$ 25,700	\$ 200
122	Total Selectman Expenses	\$ 99,619	\$ 101,301	\$ 1,682
129	Total Salaries - Town Administrator	\$ 466,356	\$ 350,337	\$ (116,019)
129	Total Other Expenses- Town Administrator	\$ 18,675	\$ 18,812	\$ 137
129	Total Expenses - Town Administrator	\$ 485,031	\$ 369,149	\$ (115,882)
131	Total Salaries - Finance Committee	\$ -	\$ -	\$ -
131	Total Other Expenses- Finance Committee	\$ 500	\$ 500	\$ -
131	Total Expenses - Finance Committee	\$ 500	\$ 500	\$ -
135	Total Salaries - Accountant	\$ 176,302	\$ 189,159	\$ 12,857
135	Total Other Expenses- Accountant	\$ 5,150	\$ 5,288	\$ 138
135	Total Expenses - Accountant	\$ 181,452	\$ 194,446	\$ 12,994
141	Total Salaries - Assessor	\$ 172,180	\$ 168,041	\$ (4,139)
141	Total Other Expenses-Assessor	\$ 36,370	\$ 36,470	\$ 100
141	Total Expenses - Assessor	\$ 208,550	\$ 204,511	\$ (4,039)
145	Total Salaries - Treasurer	\$ 207,485	\$ 212,720	\$ 5,235
145	Total Other Expenses-Treasurer	\$ 45,500	\$ 48,600	\$ 3,100
145	Total Expenses - Treasurer	\$ 252,985	\$ 261,320	\$ 8,335
151	Total Salaries - Legal	\$ -	\$ -	\$ -
151	Total Other Expenses-Legal	\$ 87,000	\$ 96,000	\$ 9,000
151	Total Expenses - Legal	\$ 87,000	\$ 96,000	\$ 9,000
155	Total Salaries - Data Processing	\$ -	\$ -	\$ -
155	Total Other - Data Processing	\$ 354,997	\$ 449,797	\$ 94,800
155	Total Expenses - Data Processing	\$ 354,997	\$ 449,797	\$ 94,800
156	Total Salaries - PEG Access	\$ 246,554	\$ 246,554	\$ -
156	Total Other - PEG Access	\$ 119,880	\$ 99,880	\$ (20,000)

	<u>ACCOUNT NAME</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2023 vs FY2024</u>
156	Total Expenses - PEG Access	\$ 366,434	\$ 346,434	\$ (20,000)
158	Total Salaries - Tax Title	\$ -	\$ -	\$ -
158	Total Other - Tax Title	\$ 5,700	\$ 5,700	\$ -
158	Total Expenses - Tax Title	\$ 5,700	\$ 5,700	\$ -
161	Total Salaries - Town Clerk	\$ 122,731	\$ 134,532	\$ 11,801
161	Total Other Expenses-Town Clerk	\$ 15,550	\$ 15,550	\$ -
161	Total Expenses - Town Clerk	\$ 138,281	\$ 150,082	\$ 11,801
162	Total Salaries - Elect & Regist..	\$ 935	\$ 935	\$ -
162	Total Other Elect & Regist..	\$ 2,000	\$ 6,000	\$ 4,000
162	Total Expenses - Elect & Regist..	\$ 2,935	\$ 6,935	\$ 4,000
163	Total Salaries - Election	\$ 8,000	\$ 18,200	\$ 10,200
163	Total Other - Election	\$ 12,500	\$ 12,500	\$ -
163	Total Expenses - Election	\$ 20,500	\$ 30,700	\$ 10,200
192	Total Salaries - Facilities	\$ 99,508	\$ 104,269	\$ 4,761
192	Total Other - Facilities	\$ 328,000	\$ 414,400	\$ 86,400
192	Total Expenses - Facilities	\$ 427,508	\$ 518,669	\$ 91,161
195	Total Salaries - Town Reports Printing	\$ -	\$ -	\$ -
195	Total Other - Town Reports Printing	\$ 10,500	\$ 10,500	\$ -
195	Total Expenses - Town Reports Printing	\$ 10,500	\$ 10,500	\$ -
500	Total Salaries - Municipal Services	\$ 341,056	\$ 347,405	\$ 6,349
500	Total Other - Municipal Services	\$ 43,500	\$ 54,487	\$ 10,987
500	Total Expenses - Municipal Services	\$ 384,556	\$ 401,892	\$ 17,336
541	Total Salaries - Council on Aging	\$ 130,771	\$ 132,977	\$ 2,206
541	Total Other - Council on Aging	\$ 37,950	\$ 37,950	\$ -
541	Total Expenses - Council on Aging	\$ 168,721	\$ 170,927	\$ 2,206
543	Total Salaries - Veterans	\$ 10,084	\$ 10,284	\$ 200
543	Total Other - Veterans	\$ 41,500	\$ 21,500	\$ (20,000)
543	Total Expenses - Veterans	\$ 51,584	\$ 31,784	\$ (19,800)
930	Total Salaries - Capital Projects	\$ -	\$ -	\$ -

	<u>ACCOUNT NAME</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2023 vs FY2024</u>
930	Total Other - Capital Projects	\$ 46,000		\$ (46,000)
930	Total Expenses - Capital Projects	\$ 46,000	\$ -	\$ (46,000)
945	Total Salaries - Liability Insurance Premiums	\$ -	\$ -	\$ -
945	Total Other - Liability Insurance Premiums	\$ 549,287	\$ 570,767	\$ 21,480
945	Total Expenses - Liability Insurance Premiums	\$ 549,287	\$ 570,767	\$ 21,480
955	Total Salaries - Town Audit	\$ -	\$ -	\$ -
955	Total Other - Town Audit	\$ 38,000	\$ 38,000	\$ -
955	Total Expenses - Town Audit	\$ 38,000	\$ 38,000	\$ -
	Total Salaries - General Government	\$ 2,056,081	\$ 1,991,014	\$ (65,067)
	Total Other - General Government	\$ 1,824,208	\$ 1,968,601	\$ 144,393
	Total Expenses - General Government	\$ 3,880,289	\$ 3,959,615	\$ 79,326
210	Total Salaries - Police	\$ 2,714,233	\$ 2,669,951	\$ (44,282)
210	Total Other - Police	\$ 214,372	\$ 230,400	\$ 16,028
210	Total Expenses - Police	\$ 2,928,605	\$ 2,900,351	\$ (28,254)
220	Total Salaries - Fire	\$ 2,126,963	\$ 2,176,935	\$ 49,972
220	Total Other - Fire	\$ 197,850	\$ 208,810	\$ 10,960
220	Total Expenses - Fire	\$ 2,324,813	\$ 2,385,745	\$ 60,932
	Total Salaries - Public Safety	\$ 4,841,196	\$ 4,846,885	\$ 5,689
	Total Other - Public Safety	\$ 412,222	\$ 439,210	\$ 26,988
	Total Expenses - Public Safety	\$ 5,253,418	\$ 5,286,095	\$ 32,677
300	Total Salaries - Education	\$ 16,654,757	\$ 22,229,735	\$ 5,574,978
300	Total Other - Education	\$ 5,011,651		\$ (5,011,651)
300	Total Expenses - Education	\$ 21,666,408	\$ 22,229,735	\$ 563,327
310	Total Salaries - Assabet Valley Assessment	\$ -	\$ -	\$ -
310	Total Other - Assabet Valley Assessment	\$ 1,190,983	\$ 1,269,349	\$ 78,366
310	Total Expenses - Assabet Valley Assessment	\$ 1,190,983	\$ 1,269,349	\$ 78,366
	Total Salaries - Education	\$ 16,654,757	\$ 22,229,735	\$ 5,574,978
	Total Other - Education	\$ 6,202,634	\$ 1,269,349	\$ (4,933,285)
	Total Expenses - Education	\$ 22,857,391	\$ 23,499,084	\$ 641,693

	<u>ACCOUNT NAME</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2023 vs FY2024</u>
421	Total Salaries - DPW Administration	\$ 181,786	\$ 212,513	\$ 30,727
421	Total Other - DPW Administration	\$ 145,600	\$ 155,600	\$ 10,000
421	Total Expenses - DPW Administration	\$ 327,386	\$ 368,113	\$ 40,727
				\$ -
422	Total Salaries - Construction and Maint.	\$ 447,884	\$ 472,275	\$ 24,391
422	Total Other - Construction and Maint.	\$ 1,268,750	\$ 347,050	\$ (921,700)
422	Total Expenses - Construction and Maint.	\$ 1,716,634	\$ 819,325	\$ (897,309)
423	Total Salaries - Snow and Ice	\$ 85,000	\$ 85,000	\$ -
423	Total Other - Snow and Ice	\$ 32,000	\$ 32,000	\$ -
423	Total Salaries - Snow and Ice	\$ 117,000	\$ 117,000	\$ -
491	Total Salaries - Cemetery	\$ 197,743	\$ 213,152	\$ 15,409
491	Total Other - Cemetery	\$ 145,900	\$ 139,550	\$ (6,351)
491	Total Expenses - Cemetery	\$ 343,643	\$ 352,701	\$ 9,058
	Total Salaries - Solid Waste			
	Total Other - Solid Waste		\$ 922,700	
	Total Expenses - Solid Waste	\$ -	\$ 922,700	
	Total Salaries - Public Works	\$ 912,413	\$ 982,939	\$ 70,526
	Total Other - Public Works	\$ 1,592,250	\$ 1,596,900	\$ 4,650
	Total Expenses - Public Works	\$ 2,504,663	\$ 2,579,839	\$ 75,176
				\$ -
610	Total Salaries - Library	\$ 531,700	\$ 519,298	\$ (12,402)
610	Total Other - Library	\$ 74,050	\$ 79,050	\$ 5,000
610	Total Expenses - Library	\$ 605,750	\$ 598,348	\$ (7,402)
612	Total Salaries - Roosevelt Building	\$ -	\$ -	\$ -
612	Total Other - Roosevelt Building	\$ 33,000	\$ 42,000	\$ 9,000
612	Total Salaries - Roosevelt Building	\$ 33,000	\$ 42,000	\$ 9,000
619	Total Salaries - Historical Preservation	\$ -	\$ -	\$ -
619	Total Other - Historical Preservation	\$ 2,000	\$ 2,000	\$ -
619	Total Expenses - Historical Preservation	\$ 2,000	\$ 2,000	\$ -

	<u>ACCOUNT NAME</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2023 vs FY2024</u>
	Total Salaries - Culture & Recreation	\$ 531,700	\$ 519,298	\$ (12,402)
	Total Other- Culture & Recreation	\$ 109,050	\$ 123,050	\$ 14,000
	Total Expenses - Culture & Recreation	\$ 640,750	\$ 642,348	\$ 1,598
710	Total Salaries - Principal Long Term Debt	\$ -	\$ -	\$ -
710	Total Other - Principal Long Term Debt	\$ 2,802,100	\$ 1,892,100	\$ (910,000)
710	Total Expenses - Principal Long Term Debt	\$ 2,802,100	\$ 1,892,100	\$ (910,000)
751	Total Salaries - Interest Long Term Debt	\$ -	\$ -	\$ -
751	Total Other - Interest Long Term Debt	\$ 885,527	\$ 776,789	\$ (108,739)
751	Total Expenses - Interest Long Term Debt	\$ 885,527	\$ 776,789	\$ (108,739)
752	Total Salaries - Interest Short Term Notes	\$ -	\$ -	\$ -
752	Total Other - Interest Short Term Notes	\$ 57,000	\$ 10,000	\$ (47,000)
752	Total Expenses - Interest Short Term Notes	\$ 57,000	\$ 10,000	\$ (47,000)
	Total Salaries - Debt Service	\$ -	\$ -	\$ -
	Total Other - Debt Service	\$ 3,744,627	\$ 2,678,889	\$ (1,065,739)
	Total Expenses - Debt Service	\$ 3,744,627	\$ 2,678,889	\$ (1,065,739)
910	Total Salaries - Ret Sys Pension Contrib.	\$ -	\$ -	\$ -
910	Total Other - Ret Sys Pension Contrib.	\$ 2,840,220	\$ 3,014,372	\$ 174,152
910	Total Expenses - Ret Sys Pension Contrib.	\$ 2,840,220	\$ 3,014,372	\$ 174,152
913	Total Salaries - Unemployment Compens.	\$ -	\$ -	\$ -
913	Total Other - Unemployment Compens.	\$ 48,000	\$ 40,000	\$ (8,000)
913	Total Expenses - Unemployment Compens.	\$ 48,000	\$ 40,000	\$ (8,000)
914	Total Salaries - Health Insurance	\$ -	\$ -	\$ -
914	Total Other - Health Insurance	\$ 5,890,250	\$ 6,295,469	\$ 405,219
914	Total Expenses - Health Insurance	\$ 5,890,250	\$ 6,295,469	\$ 405,219
915	Total Salaries - Life Insurance	\$ -	\$ -	\$ -
915	Total Other - Life Insurance	\$ 10,500	\$ 10,500	\$ -
915	Total Expenses - Life Insurance	\$ 10,500	\$ 10,500	\$ -
916	Total Salaries - Medicare	\$ -	\$ -	\$ -
916	Total Other - Medicare	\$ 364,620	\$ 375,559	\$ 10,939
916	Total Expenses - Medicare	\$ 364,620	\$ 375,559	\$ 10,939

	<u>ACCOUNT NAME</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2023 vs FY2024</u>
	Total Salaries - Employee Benefits	\$ -	\$ -	\$ -
	Total Other- Employee Benefits	\$ 9,153,590	\$ 9,735,900	\$ 582,309
	Total Expenses- Employee Benefits	\$ 9,153,590	\$ 9,735,900	\$ 582,309
132	Reserve Fund - Original Budget	\$ 250,000	\$ 250,000	\$ -
	<b><u>SALARIES</u></b>			
	General Government	\$ 1,809,527	\$ 1,744,460	\$ (65,067)
	Public Safety	\$ 4,841,196	\$ 4,846,885	\$ 5,689
	Public Works	\$ 912,413	\$ 982,939	\$ 70,526
	Cultural & Recreation	\$ 531,700	\$ 519,298	\$ (12,402)
	Education - Maynard	\$ 16,654,757	\$ 22,229,735	\$ 5,574,978
	Education - Assabet	\$ -	\$ -	\$ -
	Employee Benefits	\$ -	\$ -	\$ -
	Debt Service	\$ -	\$ -	\$ -
	Reserve Fund	\$ -	\$ -	\$ -
	Peg Access	\$ 246,554	\$ 246,554	\$ -
	<b>TOTAL SALARIES</b>	\$ 24,996,147	\$ 30,569,871	\$ 5,573,724
	<b><u>OTHER EXPENSES</u></b>			
	General Government	\$ 1,704,328	\$ 1,868,721	\$ 164,393
	Public Safety	\$ 412,222	\$ 439,210	\$ 26,988
	Public Works	\$ 1,592,250	\$ 1,596,900	\$ 4,650
	Cultural & Recreation	\$ 109,050	\$ 123,050	\$ 14,000
	Education - Maynard	\$ 5,011,651	\$ -	\$ (5,011,651)
	Education - Assabet	\$ 1,190,983	\$ 1,269,349	\$ 78,366
	Employee Benefits	\$ 9,153,590	\$ 9,735,900	\$ 582,309
	Debt Service	\$ 3,744,627	\$ 2,678,889	\$ (1,065,739)
	Reserve Fund	\$ 250,000	\$ 250,000	\$ -
	Peg Access	\$ 119,880	\$ 99,880	\$ (20,000)
	<b>TOTAL OTHER EXPENSES</b>	\$ 23,288,581	\$ 18,061,898	\$ (5,226,684)
	<b><u>TOTAL EXPENSES</u></b>			
	General Government	\$ 3,513,855	\$ 3,613,181	\$ 99,326
	Public Safety	\$ 5,253,418	\$ 5,286,095	\$ 32,677
	Public Works	\$ 2,504,663	\$ 2,579,839	\$ 75,176
	Cultural & Recreation	\$ 640,750	\$ 642,348	\$ 1,598

	<u>ACCOUNT NAME</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2023 vs FY2024</u>
	Education - Maynard	\$ 21,666,408	\$ 22,229,735	\$ 563,327
	Education - Assabet	\$ 1,190,983	\$ 1,269,349	\$ 78,366
	Employee Benefits	\$ 9,153,590	\$ 9,735,900	\$ 582,309
	Debt Service	\$ 3,744,627	\$ 2,678,889	\$ (1,065,739)
	Reserve Fund	\$ 250,000	\$ 250,000	\$ -
	Peg Access	\$ 366,434	\$ 346,434	\$ (20,000)
	<b>TOTAL EXPENSES MAYNARD</b>	<b>\$ 48,284,728</b>	<b>\$ 48,631,769</b>	<b>\$ 347,041</b>

		<b>FY23</b>	<b>FY24</b>
<b><u>REAL ESTATE REVENUES</u></b>			
Prior Year Levy Limit		33,668,813	\$ 34,986,734
Proposition 2.5% Increase		841,720	\$ 874,668
amended new growth			
New Growth ( Estimate )		300,000	\$ 250,000
		<b>34,810,533</b>	<b>\$ 36,111,402</b>
Debt Exclusions		<b>2,647,495</b>	<b>\$ 2,537,106</b>
Debt Exclusions - Fire Station			
		-	
<b>TOTAL TAX REVENUE</b>		<b>37,458,028</b>	<b>\$ 38,648,508</b>
Education - Chapter 70		5,554,961	\$ 5,663,218
Education - Charter School Reimbursement		370,652	\$ 186,107
Less: Assessments Charter School		(1,516,872)	\$ (1,463,169)
Less: Assessments School Choice		(355,396)	\$ (254,463)
		(15,390)	\$ (958)
General Government		1,857,572	\$ 1,895,024
Less: Assessments General Government		(106,456)	\$ (110,779)
<b>School Construction Reimbursement</b>		<b>897,660</b>	
			\$ -
<b>NET LOCAL AID</b>		<b>6,686,731</b>	<b>\$ 5,914,980</b>
<b>TOTAL LOCAL RECEIPTS</b>		<b>3,056,000</b>	<b>\$ 3,215,380</b>
<b>TOTAL BOND PREMIUM REIMBURSEMENT</b>		<b>23,973</b>	<b>\$ 21,550</b>
<b>TOTAL TRANSFERS FROM OTHER FUNDS</b>		<b>1,199,996</b>	<b>\$ 1,071,351</b>

	<b>FY23</b>		<b>FY24</b>
<b>Overlay Surplus</b>	100,000		
<b>TOTAL GENERAL FUND REVENUE</b>	\$ 48,524,728		\$ 48,871,769

## **Appendix B: Salary Administration Plan and Salary Table**

### **Salary Administration Plan Town of Maynard**

This plan shall become effective on April 21, 2023.

#### **Section 1: Titles of Positions**

The existing job titles, which are articulated in this plan or the annual budget, will not be added to without the recommendation of the Town Administrator and approval by the Select Board. Any such position(s) which are to be added during the fiscal year, must have sufficient funding sources. Any said position must be within the compensation ranges stated in Appendix B of this plan.

#### **Section 2: Job Descriptions**

The Town Administrator shall review job descriptions and recommend additions, changes or edits to the Select Board. Adjustments to the job descriptions shall not affect the power of any administrative authority to reasonably appoint, assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

#### **Section 3: Work Schedule**

Work schedules may vary among positions. Some schedules are seasonal, part-time, full-time, require work to be performed evening or weekend hours, as appropriate to the position. Actual schedules will be determined by the employees' supervisors, in consultation with the Town Administrator. There shall be no reduction of service to the public under this clause.

#### **Section 4: Salary Schedule**

The Salary Schedule of the Salary Administration Plan, set forth in Appendix B of the Personnel Bylaw shall consist of the minimum and maximum hourly rates and annual salaries, as applicable. The minimum and maximum rate ranges and annual salaries will be set annually. Any change must be submitted as part of the budget process for the subsequent fiscal year by the Department Head to the Town Administrator. There will be no retroactive pay under this plan.

#### **Section 5: New Personnel**

The hiring rate shall be no greater than allowed by Appendix B. All offers of employment must be reviewed for funding by the Town Accountant and approved by the Town Administrator. All new hires are subjected to a ninety (90) day probationary period which may be extended for up to an additional ninety (90) days if directed by the Town Administrator. During probation, an employee is entitled to pay for holidays and other benefits provided to eligible employees. During the probationary period, vacation time may be accrued but is not earned until the completion of the probationary period, thus vacation time may not be used until ninety (90) days of continuous service has been completed. Any employee who is not retained after said probationary period will not be entitled to any additional benefits other than those required by law.

#### **Section 6: Departmental Budgets**

If a Department Head, in consultation with and with the approval of the Town Administrator, determines that a pay adjustment is recommended, said adjustment shall be included in the annual budget. No adjustment shall be effective or paid unless sufficient funds are made available. No salary or wage adjustments will be made during the fiscal year except under extenuating circumstances. In such cases, and with the approval of the Town Administrator and the Select Board, an exception may be made to the previous provision.

## **Section 7: Benefits**

### **A. Definitions**

1. Full-time- employees will work 40 hours per week as defined by their job work schedule and are benefits eligible.
2. Permanent, part-time employees must work 20 or more hours per week to be eligible for benefits.
3. Part-time, employees work less than twenty (20) hours per week as an annual average and are not benefits eligible.
4. Positions paid by annual stipend work a schedule as prescribed by their job description and are paid on an annual basis. Monthly payments may be made depending on the position. These employees are not entitled to any benefits.
5. Temporary Employees work occasionally, on call or as needed on a non-continuing basis. Temporary employees do not work more than twelve (12) weeks consecutively or more than 1000 hours annually. These employees are considered as seasonal and / or occasional employees and are not entitled to any benefits or, upon separation of service, completion of the project for which they were hired or the completion of the term, entitled to other compensation, including unemployment benefits, to the extent allowable by law..

### **B. Holidays with Pay**

All Full-Time employees shall receive credit for scheduled hours at straight time pay for the holidays listed in this section. Permanent, part-time employees receive credit for the value of hours on a prorated basis (based on a 40 hour work week). For example, a 20 hour per week employee will receive forty-six (46) hours of total time off compensation for Town recognized holidays (20 hours per week is half of 40 hours and 46 is half of the 92 hours of annual time scheduled for Town recognized holidays); provided, however, that said time shall not be considered actual time worked for the purpose of overtime calculation. Holidays occurring on Saturday are observed on the previous Friday and Sunday holidays are observed on the following Monday. The holidays recognized by the Town of Maynard for the purposes of this agreement are: New Year's Day, Martin Luther King Jr. Day, President's Day, Patriot's Day, Juneteenth, Memorial Day, Independence Day, Labor Day, Indigenous Peoples Day, Veteran's Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Day, and a half day on Christmas Eve.

Salary Administration Plan employees will be paid if Town Hall is closed, due to weather or other emergencies, if they were scheduled to work on the day and time period of the closing. However, if an employee is out on a vacation or sick day, corresponding paid time off will be charged.

### **C. Vacations with Pay**

1. 80 hours of vacation with pay shall be granted to all full-time employees upon hire, pro-rated from date of hire through June 30<sup>th</sup>. Thereafter, all vacation will be granted on July 1<sup>st</sup> and must be taken by the subsequent June 30. A maximum of one week can be carried over, subject to Town Administrator approval.
2. 120 hours of vacation with pay shall be granted to all full-time employees on July 1<sup>st</sup> of the fiscal year in which the employee will reach their fifth anniversary with the Town.
3. 160 hours of vacation with pay shall be granted to all full-time employees on July 1<sup>st</sup> of the fiscal year in which the employee will reach their tenth anniversary with the Town.
4. 200 hours of vacation with pay shall be granted to all full-time employees on July 1<sup>st</sup> of the fiscal year in which the employee will reach their fifteenth anniversary with the Town.
5. Permanent, part-time, employees will receive vacation pay pro-rated based on the number of hours scheduled each work week as an annual average (see section 7B for more details). Years of service are credited in full, regardless of number of hours worked.
6. All vacations under this clause must be approved by the department manager. Vacations shall be granted by the Department Heads at such time as, in their opinion, will cause the least interference with the performance of the regular work of the departments within reason. Vacation time shall be taken within the fiscal year it is granted, except that up to one week of earned vacation time may be carried forward to September 30<sup>th</sup> of the ensuing fiscal year, subject to Town Administrator approval.

#### **D. Sick Leave**

1. Sick leave is a privilege, not a right, and shall be payable only in cases of bona-fide illness or non-work connected accident.
2. All full-time and permanent, part-time employees shall accumulate sick leave at the rate of 80 hours per year, pro-rated for part-time schedules.
3. Employees who are absent because of sickness shall be required to notify a supervisor immediately during first day of absence. An employee out sick for more than three working days may be required to bring a letter from a healthcare professional verifying their condition, which is acceptable to the Town Administrator and which will be placed in the employee's personnel file.
4. An employee out sick for more than three working days may be required to bring a letter from a healthcare professional verifying that he/she is able to return to work without restriction. The Town reserves the right to ask for an examination by a medically qualified third party to determine suitableness to return to work without restriction.
5. Sick time may accumulate from year to year. Buy-back of sick time is not permitted under the Salary Admin Plan.

#### **E. Leaves of Absence**

An unpaid leave may be granted an employee for a reasonable period of time with approval of the Select Board with the recommendation of the Town Administrator.

**F. Insurance Benefits**

As permitted under Chapter 32B General Laws of the Commonwealth of Massachusetts.

**G. Retirement Benefits**

As Permitted under the Contributory Retirement Law.

**H. Unscheduled Additional Time**

Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act of 1938, as amended. Overtime must have prior approval by the Department Head and the Town Administrator. Overtime is considered greater than forty hours per week. After forty hours in a week, non-salaried employees covered by this plan will receive one and one half times their hourly rate for each hour worked or part of an hour worked. Any salaried employee working more than 40 hours in a week may request an adjustment of their schedule for the subsequent week. This request will be accommodated where possible and appropriate.

Compensatory time may be taken in lieu of overtime pay, at the rate of time and one-half, only by mutual agreement of both employee and supervisor prior to overtime hours being worked. If such an agreement is made, compensatory time may be accumulated to a maximum of 40 hours for full-time regular employees and a pro-rated equivalent for part-time employees and compensatory time should be taken within a reasonable time of being earned. An employee is eligible to be paid for any compensatory time upon termination or retirement.

Earnings for Overtime and Compensatory Time are to be acknowledged on time sheets indicating the date earned and the reason for the added time. Comp Time use must also be acknowledged on time sheets.

**Appendix B: Salary Table**

	<i>Minimum</i>	<i>Maximum</i>
<b>Full-Time Employees</b>	\$20.00	\$ 45.00
<b>Part-Time Employees</b> (no less than MA minimum wage)	\$15.00	\$ 40.00
<b>Part-Time Specialized</b> (i.e., certified/licensed)	\$20.00	\$ 50.00
<b>Veterans' Agent</b>	Annually	\$10,489.31
<b>Inspector of Animals</b>	Annual Stipend	\$ 105.00
<b>Registrar of Voters</b>	Annual Stipend	\$ 105.00
<b>Clerk, Registrar of Vote</b>	Annual Stipend	\$ 515.00
<b>Moderator</b>	Annual Stipend	\$ 75.00

## **Charter Review Committee Report on Charter Amendment**

The Charter Review Committee was formed by the Town Moderator and held its first meeting on April 22, 2021 over Zoom. All meetings for 2021 were held over Zoom. The membership with representation consisted of Jeff Swanberg, Select Board; Natasha Rivera, School Committee; William Cranshaw, Housing Authority; Janice Rosenberg, Library Trustees; Elliot Bruce, Finance Committee; Peter Campbell, Finance Committee; William Kohlman, Member-at-large; Anita Dolan, Member-at-large; and Lou Ann Cutaia, Member-at-large. William Kohlman was elected Chair. The committee determined that given all the conflicts members have with their own committee meetings, the best time to hold Charter Review meeting were the second and/or fourth Wednesday of the month. As we began to hold meetings, we realized that with most of the members also serving on other committees, that we would keep the number of meetings per month to one, unless absolutely necessary. The committee also decided to rotate the position of Recording Secretary so that one person isn't burdened with it at every meeting.

Prior to the meeting in May 2021, Anita Dolan resigned, being unable to attend the Zoom meetings. After the May 2021 meeting. Janice Rosenberg resigned. Sally Bubier replaced her as a Library Trustee representative. Also, Brendon Chetwynd replaced Anita Dolan as a Member-at-large. In June 2022, Elliot Bruce resigned from the Finance Committee so in July 2022 the Finance Committee appointed Danielle Ericks as their second representative on the committee.

During the course of our discussions, the committee members reached a consensus on what they wanted to see in the Charter. The committee wanted the Charter to allow for accessible and transparent Town government, with easy access to information. But also, not to make changes to the Charter for change's sake. Taking the view point, "Do no harm", if the system is working, even though we may envision it to be better, would a change actually make it better or would there be unintended consequences to our proposed action that the town would have to live with until the next review in ten years. With this in mind, we employed a light hand to our proposed changes and kept in mind that unless they would try to contradict the Charter, by-laws could be used to clarify sections of the Charter and bring forward additional requirement that the Town would follow.

## **Omnibus Changes to the Charter**

The initial changes are omnibus changes that address typographical errors and grammatical corrections throughout the Charter. Also, the addition, deletion or movement of sections or subsections require the renumeration of the sections that follow. There are also changes to change wherever it states "by by-law" to "by town by-law". The reason for this change became apparent when reading the charter aloud, in many places in the Charter, the text reads, "by law or by by-law". It was confusing listening to it being read so the insertion of the word "town" between the words "by by-law" should reduce the feeling of confusion. Another change throughout the Charter is the usage of the word "website" as one word, where it had been used as either two words or one word and referring to the town website as the "official town website". We have also attempted to keep the Charter gender neutral and any text specifying a specific gender has been changed to a neutral gender.

## **Charter Introduction**

In the Introduction of the Charter, we added a new initial paragraph that describes the purpose of the Charter and the reason for having it for the town. In the fourth paragraph we updated the dates of previous Charter reviews including the current one. We replaced the section on the Community Development Principles with a new section addressing Town By-laws, Community Development Principles, and the Maynard Master Plan. The reason for this change is that since the last Charter review in 2013, the Master Plan has been adopted and a permanent By-law Committee has been established.

## **Article 1 - Incorporation; Short Title; Powers**

In Article 1: Incorporation; Short Title; Powers, the only change was in section 1-1: Incorporation where the words, “of the Commonwealth” were inserted after the text, “...as established by law”. This is to clarify the source of the law establishing the incorporation of the town of Maynard.

## **Article 2 - Legislative Branch**

In Article 2: Legislative Branch, the first change was simply moving section 2-11 General Powers and Duties of the Town Meeting, to section 2-2. It now directly follows section 2-1: Town Meeting. The committee felt that section 2-11 needed to be emphasized more since along with section 2-1, they essentially establish the Legislative Branch of town government. This change results in the rest of the sections in the article to be renumbered.

The next change in Article 2 is in Section 2-4b(1) Powers and Duties (formerly Section 2-3b(1)). Text has been added to state, “The finance committee serves as the town’s official fiscal legislative oversight body.” What was the second paragraph of that subsection, has been moved to directly follow the inserted sentence. At the end of that paragraph, the sentence, “As granted by town meetings, the finance committee shall administer the town’s reserve fund and any other fund which they are directed by town meeting.” The subsection is titled Power and Duties, and how it had been written was to first address the duties before stating the powers they have. The committee felt that it made more sense to address the powers first, followed by the duties. The additional text clarifies their role as the town’s official fiscal legislative oversight body and their administration of the reserve fund and any other funds as directed by town meeting.

The last change concerning finance committee is in section 2-4b(2) Conflicts (formerly Section 2-3b(2)). Currently a finance committee member would have to resign if they were to submit papers to run for an elected town position or to be appointed to another town position. The review committee has changed the language so that a finance committee would not have to resign to submit papers to run or to be appointed but would have to immediately resign if they are elected or appointed to the position.

In Section 2-6a Town Initiated Special Town Meetings (formerly Section 2-5a), we have changed the requirements of giving notice by deleting publication in a local newspaper and have replaced it with an announcement through the town’s official notification system(s) (i.e., reverse 911 call) and also clarify that it will be posted on the official town website.

In Section 2-6b Citizen Initiated Special Town Meetings (formerly Section 2-5b), we have added a notification requirement similar to the one in Section 2-6a.

Section 2-8 Initiation of Warrant Articles (formerly Section 2-7) presented the committee with some challenges. Many members thought that the layout and order in which the information in this section was presented was confusing. In the current Charter the differences between the requirements for the initiation and inclusion on the warrant of Town initiated and citizen petitions were combined in the same paragraphs and it was difficult to follow which requirement went with which source. The committee has attempted to clarify this section through formatting and titling subsection having been initiated by citizen petitions, town administration, or both. Overall, the only change regarding the inclusion of articles on warrant is that citizen petitions are also subject to review by town counsel and if deemed illegal shall be disqualified by the select board. In subsection b Review, we have clarified that it is the administrative personnel in the office of the select board who register the proposed warrant article and distribute them as stated.

The last change in Article 2 is in Section 2-9 Availability of Town Officials at Town Meeting (formerly Section 2-8). Currently for a Town officer which includes all elected positions to be excused from Town Meeting is by the approval of the town moderator and the select board. The committee realized that there were two problems with requiring the select board approval. First if it was a last-minute request the select board would have to post a meeting and then meet in order to make a decision. They could delegate that responsibility to the town administrator. But there still is the second problem. For departments outside of town hall such as the schools, library, etc., the select board has no authority over them. The committee discussed this and concluded that Town Meetings are the town moderator's meetings. The moderator plans them and conducts them. The moderator should be the sole person approving an absence from Town Meeting. The committee also felt that it is important to know if someone was not at Town Meeting so we added, "the list of excused individuals will be included in the minutes of the meeting."

### **Article 3 - Elected Officials**

Resignations of elected town officials in the past few years, has brought to light that the process of resigning was not clear as to who had to be notified. Also, the process of filling the vacant position through a town election was left open for interpretation as to when the term would start, immediately after the election or July 1. The Charter review committee of 2013 had desired that the position be filled immediately and believed it had been written that way and the current committee agrees with that position. In the past few years, the Charter had been interpreted that the position would begin on July 1. We have attempted to correct the text in the Charter so that the position in an election to fill a vacant office would begin immediately after the election. To clarify when this applies to a vacated position, consider the following. If an individual on an elected multiple member board other than the select board resigns in their first or second year, a joint meeting of that board and the select board appoint a replacement to fill that position until a person is elected at the next town election to fill the remainder of the term. The newly elected person takes office immediately. However, if an individual resigns in their third year or too late in their second year to meet the timeline for a town election, the appointed

person would serve out the remainder of the term. The next election for that position would be for the start of a new term and would begin on July 1.

In Section 3-1d Commencement of Office, we have added after, “... offices shall begin on the first day of July” the text, “with the exception of filling vacancies of elected officials as specified in section 3-1h”.

In Section 3-1f, we change the word “officers” to “officials” for consistency with the rest of the section.

We have added a new Section 3-1g Notice of Resignation of Office. It instructs the resigning official to notify the Town Clerk and if the resignation is immediate or effective on a future date. Note that the process of filling the vacancy cannot begin until the position is actually vacant. This change follows the requirement of Massachusetts General Laws Chapter 41 section 109 concerning resignations of town officers.

In Section 3-1h(1) Filling of Vacancies: Elected Officials – Multiple Member Boards (formerly Section 3-1g(1)) we have replaced the existing text with new text that refers to Massachusetts General Laws Chapter 41 sections 10 and 11 which governs vacancies on multiple member boards. We have also added the text, “In the case of an election to fill the unexpired term of office, the individual is qualified as soon as the election results are known and can take office immediately following the required swearing in.”

In Section 3-1h(4) Filling of Vacancies: Elected Officials – Regional Vocational School Representative (formerly Section 3-1g(4)) we have added the text, “The individual elected is qualified as soon as the official election results are known and can take office immediately following the required swearing in.”

In Section 3-2b Select Board – Powers and Duties, the listing of the powers and duties was mostly in paragraph form which for the most part, did not separate one power or duty from another. For the sake of clarity, the listing has been reformatted into a numerical list. One change to the powers of the select board that in the current text that reads, “The select board shall have the authority to appoint town boards in accordance with the provisions of this charter”, the text, “and by town by-law” was added at the end.

In Section 3-2c Licensing Authority, the text, “the laws”, has been changed to, “all applicable laws”. This is to limit the scope to just the laws, rules, and regulation related to the businesses for which the select board issues licenses.

In Section 3-4a Housing Authority – Composition, Term of Office, recent changes in state law now requires a tenant member appointed by the select board. This section was changed to reflect that.

In Section 3-5b Library Trustees – Powers and Duties, we found that this section was dated and inaccurate. With input from the library trustees, we updated the section to accurately reflect the powers and duties of the library trustees.

In Section 3-7b Regional Vocational School Representative – Powers and Duties, we added the sentence, “Upon request, the regional vocational school representative shall appear before and report to the select board, the school committee, and/or the finance committee.” This duty was not in the Charter and the committee believes it should be, to ensure clear communications between town government as a whole and the regional vocational school.

## **Article 4 - Town Administrator**

In Section 4-2b Powers and Duties, the text “and town by-laws,” was added after the text, “...as may be applicable,” and the words, “town bulletin board” were replaced with, “official town website”.

In Section 4-2e Powers and Duties, after much debate the committee added this sentence to the end of the subsection, “Towards the goal of a transparent and open government, periodic financial reports shall be made available to the select board, finance committee, and the public as required by town by-law.” The committee believes that the financial status of the town should be available to interested citizens on a periodic basis. In the past, some members of the committee had difficulty in obtaining this information. Rather than to place the detailed reporting requirements in the Charter where it would be difficult to change if needed, the reporting requirements were approved at the June 2022 Town Meeting as a new by-law.

In Section 4-2p(2) Powers and Duties, the committee corrected the phrase, “town agencies serving under the office of the select board” by adding the word, “office”.

In Section 4-4b Acting Town Administrator – Vacancy, the committee changed the length of renewal for a temporary appointment from 3 months to 6 months.

In Section 4-4c Acting Town Administrator – Powers and Duties, the committee discovered that the existing text contained a double negative and believed that the initial intent of the section was to limit the authority of an acting town administrator to matters which cannot be delayed so the committee has deleted a “not” which is causing the confusion. In the case of an acting town administrator who is filling in a vacant position, that individual could be in the position for up to a year. Currently, the Charter states that they can only make temporary or emergency appointments but not make permanent appointments. The committee realizes that this could have the potential of keeping well qualified individuals in a state of limbo concerning their future employment with the town and could result in the inability to fill the positions with qualified people or being able to keep them in a temporary position when a permanent position in another town is offered to them. The committee has added at the end to the text, “but not to make permanent appointments or designations”, the additional text, “, unless approved by the select board”.

## **Article 5 – Administrative Organization**

Section 5-3 Appointments, Promotion, and Discipline, the committee noticed that in the last sentence of this section which states, “In the case of an acting or interim department head or chief, the town administration shall have approval authority over all new hires.”, we believe that there is a typo and it should be, “town administrator”, rather than, “town administration”. We have made that change.

Skipping ahead momentarily, when the committee reviewed Section 7-8 Removals and Suspensions, we believe that it belonged in Article 5 so we moved it to a new Section 5-6. In examining the section in detail, we realized that it grouped appointed officers, appoint members of multiple member boards, and some employees together and without regard to the appointing authority with the exception of those positions appointed by the select board. The town

administrator was responsible for the process of suspending or removing the individual from office.

The committee referenced the Organization of Town Government in the Charter and figure 1 of the town organization chart to determine all the appointing authorities within the town excluding those of other elected multiple member boards. The committee determined that there are six different types of positions to consider. They are: the town administrator; employee of the town not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method; appointed officer or member of a multiple member body appointed by the select board or town administrator; appointed officer of the Board of Health, Board of Assessors, Conservation Committee or Council on Aging; appointees of the town moderator; and appointees of any multiple member body appointed by the town moderator.

The following reflects the committee's proposed section for Removals and Suspensions. The requirements for the removal of and suspension of the town administrator are set forth in Article 4, sections 4-1 and 4-5 of the Charter. Individuals appointed by the select board may be suspended or removed by the select board. Individuals appointed by the town administrator or appointed by the Board of Health, Board of Assessors, Conservation Committee, or Council on Aging, may be suspended or removed by the town administrator. Individuals appointed by the town moderator may be suspended or removed by the town moderator. Individuals appointed by a multiple member board appointed by the town moderator may be suspended or removed by the multiple member board. In the case of the town moderator or a multiple member board appointed by the town moderator, they may delegate the removal or suspension to the town administrator. The committee worked with town counsel to rewrite this section and in the red-line or marked up version, green text is what was the original text moved from Section 7-8, underlined being kept and strike-through being deleted, and blue underlined being new text added to the section.

In Section 5-7 Organization of Town Government (formerly Section 5-6), we have updated the listing to add new committees or positions and have deleted those committees and positions that no longer are needed or exist. We have also removed the number of members that a specific committee should have. These are listed in the town by-laws in Chapter 4 and other chapters. This will allow for a quicker less cumbersome process to change the size of a committee if the need arise. This change also required a change in the wording of the paragraph before the listing of appointees of the select board, town administrator, and town moderator, the text that begins, "The [appointing authority] shall appoint...".

In subsection a, b, c, d, and e of this section, we have removed text that was essentially job descriptions of each of the position, understanding that positions such as these may evolve over time and should be defined by the board that the individual serves. We have also changed the process of appointing these positions. Currently, there are two possible methods. The board could appoint the individual subject to the approval of the town administrator or the board could delegate the selection process to the town administrator who would then submit the selected individual to the board for appointment. Given that these individuals work under the day-to-day direction of the town administration and under the recommendation of town counsel, the committee believes that the town administrator should be the one to select the individual to be recommend to the board for appoint. The town administrator is knowledgeable of the hiring process and being a full-time employee can devote more effort to the selection process than a board of volunteers.

Figure 1, the Town organizational chart has also been updated but it is for illustrative purposes only.

## **Article 6 – Finance and Fiscal Procedures**

In Section 6-3 Long Term Financial Projection, in keeping with the title of the section, we have added the text, “long term”, to the beginning sentence to change it to, “The town administrator shall develop an overall long term financial projection of the town...”. The committee wanted to clarify that the financial projection was not just for next year or the year after but looked at a much longer term, which could be defined by town by-law in the future.

The sentence before the title heading of Section 6-5 Action on the Proposed Budget appears to belong more to Section 6-5 than to Section 6-4 so we moved the section title to before that sentence.

## **Article 7 – General Provisions and Definitions**

When the committee began the process of reviewing the Charter, members kept questioning certain terms, unsure of what they meant. Then we realized that many of the terms in question were defined in Article 7. We added, “and Definitions” to the title of the Article to assist individuals reading the Charter to know that many terms are defined and to assist with their understanding of the Charter.

New Section 7-1 Continuation of Existing Laws. While the committee is calling this section new, in reality it is not. When the Charter was initially adopted in 1991, there was an additional article entitled Transitional Provisions. This section was Section 8-1 of the initial Charter. In the 2003 Charter review, sections in Transitional Provisions were either deleted or moved to other parts of the Charter. At an early meeting of the committee, a question was raised about the deletion of a different section of the Transitional Provisions of the initial Charter. We asked town counsel to review the Transitional Provisions article and determine if any of the deleted sections were still required. The guidance from counsel was that this section, Continuation of Existing Laws, should be in the Charter. We have taken counsel’s advice and returned it to the Charter. The insertion of a new Section 7-1 requires the existing sections to be renumbered in the Charter.

In Section 7-5 Number and Gender (formerly Section 7-4), the sentence referring to gender was wordy and awkward. The committee replaced it with a simpler sentence, “Words importing one gender shall include all genders.”

In Section 7-6 Definitions, we have added definitions for Notification System, Office of the Select Board, Official Town Website, and Rules and Regulations. We have deleted the term Public Notification since it is no longer used in the Charter. Its use was to refer to a publication of general circulation and the official town website. We are now using the terms official town website and notification system as the process to notify the citizens of Maynard when required by the Charter.

In Section 7-7 Rules and Regulations (formerly Section 7-6), we have updated this section to exempt the school committee and the school department from this requirement. The superintendent’s office is responsible for this for the schools. In addition, we have the agency being responsible for the posting of their rules and regulations on their or the town’s official

website. A copy is still required to be provided to the town clerk as they are the record keeper for the town. We have also removed the delay of newly adopted rules and regulation from going into effect until 10 days after filing with the town clerk. They can go into effect as soon as they are approved by the agency.

In Section 7-8a Periodic Review - Charter (formerly Section 7-7a), we have set a specific time period for the Charter review to begin as opposed to the current wording where it would begin sometime after Annual Town Meeting in a year ending in 1. Currently there is no requirement for when it has to begin and could start months or even years after that Annual Town Meeting. The new requirement would require for the Charter Review process to start sometime in the first five months of the calendar year ending in 1. For the next review, the process would start sometime between January 2, 2031 and May 30, 2031. June 1, 2031 is on a Sunday.

Section 7-8b Periodic Review - By-laws (formerly Section 7-7b). When the Charter was first adopted there was no by-law committee so a new committee had to be created for reviewing the by-laws and revise them to comply with the Charter. There is currently a standing by-law committee and the Charter review committee recognized that it could be counter-productive to have two by-law committees working separately at the same time. We have provided for two options depending if there is a functioning by-law committee. If a by-law committee exists, then the town moderator shall appoint two additional members from the Charter review committee to serve on it to revise the by-laws relative to the Charter revisions. After the committee presents the changes to the by-laws at town meeting, the two positions cease. If there is not a functioning by-law committee, then the town moderator shall appoint a special committee of five members, two of which had served on the Charter review committee, for the purpose of revising the by-laws relative to the Charter revisions. After the committee presents the changes to the by-laws at town meeting, the committee is discharged. The latter option is similar to what is currently in the Charter with the exception of five members instead of seven.

Section 7-8 Removals and Suspensions was moved to Section 5-6, which was previously discussed.

Section 7-9 Procedures Governing Multiple Member Bodies, required some simple modification due to changes in the open meeting law and technology. In subsection a, meeting notices are posted on the town bulletin board and additionally, on the official town website. There are no longer “special meetings” and any posting should just be considered as a “meeting”. In subsection b, the term “journal” has been replaced with, “minutes”. For subsection c Voting, changes in open meeting law, along with possible changes for in-person, remote, and hybrid meetings, makes it difficult to know the requirement that should be in the Charter. Since open meeting law must be followed, it makes more sense not to have it in the Charter. With that, we have deleted subsection c Voting.

In Section 7-10 Notice of Vacancies, the committee was initially confused as to the subject since we had also had discussed “notice” in regards to giving notice of a meeting, notice of resignation, and giving notice of vacancies on committee to the appointing authority. In this case the term is not meant for the town clerk or appointing authority but rather for the whole town. It is essentially a list of vacancies on committees or positions of employment whether paid or unpaid, which is maintained by the town clerk and is updated quarterly. We have removed the

requirement that it is published in a paper of local circulation in January of each year. To help clarify the intent of this section, we have retitled it “Publication of Vacancies”.

In Section 7-11 Loss of Office, Excessive Absence and Section 7-12 Terms of Office, both of these sections contained an incorrect Massachusetts General Law reference which we corrected and added the text, “pertaining to open meeting law executive session” after each of the references.

### **Conclusion**

The Charter Review Committee spent sixteen months reviewing, discussing, and debating the Charter and suggested changes to it. We examined other town charters and researched Massachusetts General Laws. We believe that our proposed changes to the Charter will help increase openness and clarity to town government and the Charter.

We would like to thank Lisa Mead, Town Counsel, and her staff for answering our questions on sections of the Charter and to render opinions on our proposals to ensure that they would be legal and workable.

We would also like to thank Dick Downey, Town Moderator; Greg Johnson, Town Administrator; and Joanna Bilotta-Simeone, former Town Clerk; for their help and insight on the process and procedures within town hall so we could better understand how changes to the Charter would affect their role and the town.

Respectfully submitted,



William G. Kohlman

Chair, Charter Review Committee

## Notes

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