

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

At the Special Town Meeting duly called and held at the Mill and Main Parking Lot, Maynard, MA on Saturday, October 3, 2020 at 1:00PM the following ARTICLES were voted on in a legal manner. There was a quorum present (75 Voters = quorum); 169 voters were present.

The Town Moderator, Richard Dick Downey, called the meeting to order at 1:10pm.

At the start of the meeting, Moderator Richard Dick Downey requested the voters to approve the voting of the articles as followed:

Articles 2-7 - combined
Articles 9-10 - combined
Articles 11-13 - combined
Article 14, 15, 16, and 19 - combined

MOTION PASSED UNANIMOUSLY

IT WAS VOTED UNANIMOUSLY TO WAIVE THE READING OF THE WARRANT.
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Presentation made by Brendon Chetwynd, in regards to the Maynard Master Plan.

ARTICLE: 1 TOWN REPORT ACCEPTANCE

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

To do or act thereon.

SPONSORED BY:	Board of Selectmen
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

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

Comments: (Sponsor) This is a regular procedural article to accept reports from various Town committees. The focus of this article is accept the report of the town's Master Plan Steering Committee in form of the town's Master Plan. The final draft of the Master Plan has been presented to the Board of Selectmen and is available on the town's website. The Master Plan is meant to serve as a guide for planning and development, and the use of the town's resources. Periodic review of the Master Plan to measure the town's progress towards the Master Plan's goals is proposed to be conducted by a working group of local stakeholders and policy-makers.

MOTION MADE: That the Town vote to approve Article 1 as printed in the warrant, except the words, "to do or act thereon".
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MOTION PASSED UNANIMOUSLY

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

ARTICLE: 2 AMEND BY-LAW CHAPTER 34 STORMWATER MANAGEMENT

To see if the town will vote to amend Chapter 34 Stormwater Management, of the Town's By-laws, as follows:

1. AMEND SECTION 2. SCOPE AND APPLICABILITY, A. APPLICABILITY, so that it reads (proposed additional text is underlined; proposed deleted text is ~~stricken~~):
 - A. Applicability. This Bylaw shall be applicable to any of the following activities:
 1. Any activity that results in a land disturbance greater than ~~one-acre~~ 10,000 square feet.
 2. Any development project that:
 - a. Requires a special permit and/or a special permit with site plan review under the Maynard Zoning Bylaw;
 - b. Requires approval of a definitive plan under the Massachusetts Subdivision Control Law.
 3. Any activity that disturbs less than ~~one-acre~~ 10,000 square feet if:
 - a. The activity is part of a larger common plan of alteration or development that will disturb more than ~~one-acre~~ 10,000 square feet; or
 - b. The new activity will result in a cumulative disturbance of more than ~~one-acre~~ 10,000 square feet since the effective date of this bylaw, to land that is part of a larger parcel held in common ownership or control at any time since said date. For purposes of this Section, ownership by related or jointly controlled persons or entities shall be considered common ownership. In such cases, the new activity is prohibited until either:
 1. All activities that previously disturbed land as described in this Section 2.A.(3)(b) are brought into full compliance with the requirements and standards of this bylaw, or
 2. The application for permit under this bylaw for the new activity includes bringing the land previously disturbed into full compliance with requirements and standards of this bylaw. If the involved land is not currently in common ownership, all owners of the involved land must jointly apply for the permit.
 4. Any undeveloped vacant lots, where any activity results in the alteration of drainage characteristics, including, but not limited to, construction of buildings and the creation of impervious surface.
 - B. Interpretation: In determining Applicability, the following factors shall also be adhered to:
 1. ~~4.~~ A development or alteration of land shall not be segmented or phased in a manner to avoid compliance with this bylaw.
 2. ~~5.~~ Alteration of the municipal separate storm sewer system (MS4): No person shall modify or remove any part of the MS4 including surface drainage or piping that crosses private property if it serves the public as part of the drainage system without prior approval of the Stormwater Authority and the Maynard Department of Public Works.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

2. AMEND SECTION 2. SCOPE AND APPLICABILITY, ~~BC~~. PERMITS AND EXEMPTIONS, and all subsequent numbering within the section, so that it reads (proposed additional text is underlined; proposed deleted text is ~~stricken~~):

- ~~4. Stormwater discharges that are wholly subject to jurisdiction under the Wetlands Protection Act or the Maynard Wetland Administration Bylaw and demonstrate compliance with the Massachusetts Storm Water Management Standards for the entire project as reflected in an Order of Conditions or in a Determination of Applicability issued by the Conservation Commission.~~

3. AMEND SECTION 2. SCOPE AND APPLICABILITY, ~~BC~~ . PERMITS AND EXEMPTIONS, so that it reads (proposed additional text is underlined; proposed deleted text is ~~stricken~~):

9. Projects requiring a special permit from the Planning Board where no site changes are proposed, such as for projects that only propose to change building façade or signage.

4. ADD THE FOLLOWING DEFINITIONS TO SECTION 3. DEFINITIONS, so that it reads (proposed additional text is underlined):

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

LOW IMPACT DEVELOPMENT (LID) – An approach to environmentally friendly land use planning and stormwater management that includes a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques typically preserve natural drainage characteristics and/or capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than becoming surface runoff.

MS4 PERMIT – General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts

NEW DEVELOPMENT – Any construction activities or land alteration resulting in total earth disturbances equal to or greater than 10,000 square feet (activities that are part of a common plan of development disturbing greater than 10,000 square feet) on an area that has not been previously developed to include impervious cover.

OFFSITE MITIGATION - An approach whereby pollutant removal practices are implemented at redevelopment or retrofit sites at another location, approved by the MS4, in

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

the same watershed and achieves the same pollutant removal equivalents specified in the local stormwater bylaws or ordinances.

REDEVELOPMENT – Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 10,000 square feet (or activities that are part of a larger common plan of development disturbing greater than 10,000 square feet) that does not meet the definition of new development.

UNDEVELOPED VACANT LOT - A parcel that has not been previously developed to include buildings and/or impervious surface.

5. AMEND SECTION 3. DEFINITIONS, so that it reads (proposed additional text is underlined: proposed deleted text is ~~stricken~~):

SITE – The parcel of land being developed or a designated planning area in which the land development project is located. The area or extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.

6. AMEND SECTION 4. ADMINISTRATION, so that it reads (proposed additional text is underlined: proposed deleted text is ~~stricken~~):

- C. Stormwater Management Handbook, ~~and~~ Massachusetts Stormwater Management Regulations, and federal MS4 Permit requirements. Unless specifically altered by this bylaw or its regulations, the Stormwater Authority will use the latest accepted version of the Massachusetts Stormwater Management Regulations as contained in the Massachusetts Wetlands Protection Act Regulations at 310 CMR 10.05 (6)(k) and the Massachusetts Stormwater Handbook as issued by the Massachusetts Department of Environmental Protection, as these regulations and handbook may be amended from time to time, for criteria, policy, standards, stormwater systems design and engineering, compliance documentation requirements and general information for the execution of the provisions of this bylaw. Unless specifically altered in this bylaw and its regulations, the Stormwater Authority shall presume that Stormwater management practices designed, constructed and maintained in accordance with the Massachusetts Stormwater Regulations and Stormwater Management Handbook meet the performance standards of this bylaw. For requirements that are inconsistent between the Massachusetts Stormwater Management Handbook and the federal MS4 Permit, the Stormwater Authority will enforce the more stringent of the state and federal requirements.
- D. Application for Permit. To file for a permit, an applicant shall submit to the Stormwater Authority conforming to the application requirements set forth in the regulations adopted pursuant to this bylaw. ~~In the event that no regulations have been adopted, the application shall consist of the following:~~
1. A written request for a permit with a narrative describing the project and how the proposed project will meet the requirements of the bylaw and applicable regulations.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

2. Plans and documentation as necessary per the Massachusetts Stormwater Management Regulations and Massachusetts Stormwater Management Handbook or the MS4 Permit Requirements, whatever is more stringent, as applicable for the scope of the project. These may include but are not limited to Existing Conditions Topographic Plan, Grading and Drainage Plan, Landscape Plan, Erosion and Sediment Control Plan, Stormwater Pollution Prevention Plan, Long Term Pollution Prevention Plan, Stormwater Systems Operation and Maintenance Plan, Stormwater Hydrologic Calculations, Soils Information and Testing Information, Stormwater System Design Calculations.
7. AMEND SECTION 4. ADMINISTRATION, E. ACTIONS BY THE STORMWATER AUTHORITY so that it reads (proposed additional text is underlined: proposed deleted text is stricken):
 - E. Actions by the Stormwater Authority. Upon receipt of a complete application for a Stormwater management permit, the Stormwater Authority shall review the application at a scheduled and ~~duly~~ duly posted public meeting within 21 days of receipt, and shall take final action with 21 days from the date of the meeting unless such time is extended by written agreement between the application and the Authority. The Stormwater Authority may take any of the following actions on an application for a Stormwater Management Permit:
8. AMEND THE BYLAW TO INCLUDE SECTION 7. LOW IMPACT DEVELOPMENT, so that it reads (proposed additional text is underlined):

Section 7. Low Impact Development.

- A. Low Impact Development (LID) site planning and design strategies shall be implemented unless infeasible in order to reduce the discharge of Stormwater from development sites.
 - B. The Stormwater Authority may promulgate LID criteria within the Stormwater Management Regulations.
9. AMEND THE BYLAW TO INCLUDE SECTION 8. OFF-SITE MITIGATION, so that it reads (proposed additional text is underlined):

Section 8. Offsite Mitigation.

- A. Redevelopment projects may utilize offsite mitigation within the same watershed as the redevelopment site to meet the equivalent retention or pollutant removal requirements for the redevelopment site.
- B. The Stormwater Authority may promulgate offsite mitigation criteria within the Stormwater Management Regulations.

To do or act thereon.

SPONSORED BY: Conservation Commission

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Finance Committee) Passage of this article would revise the Town By-Law regarding Stormwater Management to (a) incorporate changes required under the Town's Municipal Separate Storm Sewer System (MS4) permit to reduce stormwater pollution and (b) reduce the stormwater review threshold requirements from one acre of disturbance to 10,000 square feet of disturbance, and adding Site Plan Review as a threshold, ensuring that stormwater review is performed for any development project that could have a potential impact on the Town's stormwater system. *(See also Sponsor's comments.)*

Comments: (Sponsor) The majority of the proposed changes are requirements of the federal Municipal Separate Storm Sewer System (MS4) permit. Under the General Permit for Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (MS4 Permit), the U.S. EPA has authorized the Town of Maynard to discharge Stormwater from its municipal drainage system into wetlands and waterbodies. Maynard has been covered under the MS4 Permit since it was originally issued in 2003. In 2018, a new MS4 Permit came into effect and along with it several new requirements for activities and policies that Maynard must implement to reduce Stormwater pollution. Those required changes are identified below.

It is important to note that these Stormwater Management Standards are only applicable to development projects, and will not affect properties that do not trigger the thresholds mentioned in the first listed amendment above.

1. By changing the permit threshold requirements from 1 acre of disturbance to 10,000 square feet of disturbance, and adding Site Plan Review as a threshold, it ensures that Stormwater review occurs for projects that could impact the town's Stormwater system. Requiring Stormwater treatment onsite helps to ensure that the Town's groundwater and surface waters are better protected, since water entering the municipal Stormwater system would receive better treatment. Furthermore, there are very few projects in Maynard that disturb an area over an acre, so decreasing the threshold will require more projects to meet Stormwater standards.

There are very few undeveloped vacant lots remaining in Maynard. Requiring any new development on a previously undeveloped, vacant lot will ensure that these remaining areas are required to meet the Stormwater permitting standards.

2. Per MS4 requirements
3. This exemption ensures that Stormwater review is not required of projects that require Special Permit but are not proposing any site changes.
4. Per the MS4 requirements

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

5. Per the MS4 requirements
6. Per the MS4 requirements
7. Fixes a scrivener's error.
8. Per MS4 requirements.
9. Per MS4 requirements.

MOTION MADE: That the Town vote to approve Article 2 as printed in the warrant, except the words, "to do or act thereon".

MOTION PASSED.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 3 AMEND BY-LAW CHAPTER 15 SECTION 5: RE-WRITING
SECTION**

To see if the town will vote to amend the Town By-laws by deleting the current by-law Chapter 15 NON-CRIMINAL DISPOSITION OF BY-LAW VIOLATIONS Section 5, and replace it with the following:

Section 5: Violation of the Town’s By-laws and regulations may be enforced in the manner provided in Massachusetts General Law, Ch. 40, § 21-D: for the purpose of this By-law section the specific penalty which is to apply for violations of each such section shall be as listed in the originating By-law and the Town Agency, Official, or employee whose titles are listed under those By-laws shall be deemed to be the Enforcing Person for each such section. If a By-law section fails to list an enforcing person, then the Police Chief or their designee shall be deemed to be the Enforcing Person.

To do or act thereon.

SPONSORED BY: By-law Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Finance Committee) Passage of this article would amend Chapter 15, Section 5, of the Town’s By-Laws to mandate that fines for non-criminal violations of Town By-Laws be listed in—and only in—the originating Town By-Law. When such fines appear in more than one place for the same offense, it can lead to inconsistencies as changes occur. This article furthers the By-Law Committee's work to streamline the By-Laws and make sure there are no inconsistencies in the future. This reorganization also helps citizens who are searching for fine information, as it will be contained within the originating By-Law itself.

Comments: (Sponsor) This change will end the separation of By-law fines from the originating By-law. This previous practice lead to confusion when fines were changed in other By-laws but not also updated in Chapter 15 and vice-versa. It also required a cross reference with Chapter 15 when dealing with other By-laws. Now the pertinent information will be contained in the given By-law.

MOTION MADE: That the Town vote to approve Article 3 as printed in the warrant, except the words, “to do or act thereon”.

MOTION PASSED.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 4 REPLACE BY-LAW CHAPTER 27: ALARM SYSTEMS, AND
 CREATE NEW CHAPTER 27: ALARM VIDEO**

To see if the town will vote to amend the Town By-law by deleting the current Chapter 27 ALARM SYSTEMS by-law, and creating a new Chapter 27 ALARM AND VIDEO SECURITY SYSTEMS By-law as follows:

CHAPTER 27

ALARM AND VIDEO SECURITY SYSTEMS

Section 1: Definitions – For the purpose of this By-law the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the content, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. The term “Alarm System” means an assembly of equipment and devices or a single device, such as a solid state unit which plugs directly into an 110 voltage line, signals to the Police Department, Fire Department or a Central Station the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this By-law.
- B. The Term “Alarm User” or “Users” means any person on whose premises an alarm system is maintained within the Town except for alarm systems on motor vehicles or proprietary systems. Excluded from this definition and from the coverage of this ordinance are central station personnel and persons who alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however employs an audible signal emitting sounds or a flashing light beacon designed to signal persons outside the premises, such system shall be within the definition of “alarm system”, as that term is used in this By-law, and shall be subject to this By-law.
- C. The term “Central Station” means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.
- D. The word “Town” means the Town of Maynard.
- E. The term “False Alarm” means (1) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employee or agents; (2) any signal or oral communication transmitted to the Police

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

Department when in fact there has been no unauthorized intrusion or attempted robbery or burglary at a premises, and where, under circumstances, the user did not have a reasonable apprehension that an authorized intrusion had occurred, was about to occur, or that some other emergency warranting a response had occurred.

- F. The term “Police Chief” means the Chief of Police of the Town of Maynard or designated representative.
- G. The term “Police” or “Police Department” means the Town of Maynard Police Department, or any authorized agent thereof.
- H. The term “Public Nuisance” means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.
- I. The term “Video Security System” means an assembly of equipment and cameras to record the events inside and/or exterior to a place of business.

Section 2:

- A. There shall be in the Town an Administrator for the alarm devices who Shall have the powers and duties granted under this By-law.
- B. The Police Chief or his designee shall be the Administrator under the direction and control of the Board of Selectmen, which is authorized to adopt regulations for the administration of this By-law.

Section 3:

- A. Every alarm user shall submit to the Administrator and the alarm company the names and telephone numbers of at least two (2) other persons who can be reached at any time, day or night, who are authorized to respond to an emergency signal transmitted by an alarm system, who can open the premises wherein the alarm system is installed. The names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and the alarm company.
- B. Any alarm system emitting a continuous and uninterrupted audible signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (A) of this section, and which disturbs the peace, comfort or repose of the community or a neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Administrator shall endeavor to contact those persons designated by the alarm user under paragraph (A) of this section in an effort to abate the nuisance.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

- C. In the event that the Administrator is unable to contact the alarm user, or members of the alarm user's family, or persons designated by the alarm user under paragraph (A) of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system and if the Police Department is otherwise unable to abate the nuisance, the Administrator may direct a police officer, firefighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action to abate the nuisance.
- D. If entry upon property outside the home or building in which the alarm system is located is made in accordance with this section, the person so entering upon such property (1) shall not conduct, engage in, or undertake any search, seizure, inspection or investigation while the authorized person is upon the property; (2) shall not cause any unreasonable damage to the alarm system or to any part of the home or building; and (3) shall leave the property immediately after the audible signal has ceased. After an entry upon property has been made in accordance with this section, the person so authorized to enter the property shall have the property secured, if able. The fine for the abating a nuisance in accordance with this section is three hundred dollars (\$300).
- E. Within ten (10) days after notice of the fine levied to abate a nuisance in accordance with this section, the alarm user may request a hearing before the Board of Selectmen and may present evidence showing that the signal emitted by their alarm system was not a public nuisance at the time of the abatement; that unnecessary damage was caused to his property in the course of the abatement; that the fine for the abatement should not be assessed to him; or that the requirements of this section were not fulfilled. The Board of Selectmen shall hear all interested parties and may, in its discretion, reimburse the alarm user for the repairs to their abatement.

Section 4:

- A. When emergency messages are received by the Police Department that evidence of false alarms, the Administrator shall take such action as may be appropriate under paragraphs (B), (C), (D) and (E) of this section, and when so required by the terms of the aforementioned paragraphs, order that use of an alarm system be discontinued.
- B. After the Police Department has recorded three (3) separate false alarms within the calendar year from an alarm system, the Administrator shall notify the alarm user, in person, by telephone, or by mail of such fact and require the said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user fails to submit such report within fifteen (15) days, the Administrator shall order that the use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.
- C. In the event that the Administrator determines that a report submitted in accordance with

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

paragraph (B) of this section is unsatisfactory, in that the alarm user has failed to show by the report that the alarm user has taken or will take reasonable steps to eliminate or reduce false alarms, then the Administrator shall order that the use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Administrator's order.

- D. In the event that the Police Department records eight (8) false alarms within the calendar year from an alarm system, the Administrator shall order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.
- E. Any user of an alarm system which transmits false alarms shall be assessed a fine of fifty dollars (\$50) for each false alarm in excess of three (3) occurring within the calendar year. All fines assessed hereunder shall be paid to the Town Treasurer and Collector for deposit in the General Fund. Upon failure of the user of an alarm system to pay the fine assessed hereunder within thirty (30) days of assessment, the Administrator shall order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the receipt of the Police Chief's order.
- F. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Board of Selectmen. Notice of an appeal shall be filed with the Board of Selectmen within ten (10) days of the date of receipt of the order to discontinue. Thereafter the Board of Selectmen shall consider the merits of the appeal, and, in connection therewith, shall hear evidence presented by all interested persons. After hearing such evidence, the Board of Selectmen may affirm, vacate or modify the order of discontinuance.
- G. The provisions of this By-law concerning false alarms shall apply to all alarm users except municipal, county, state and federal agencies and religious organizations.

Section 5: The following acts and omissions shall constitute violations of this By-law punishable by fines of up to three hundred dollars (\$300).

- A. Failure to obey an order of the Administrator to discontinue use of the alarm system after exhaustion of the right of appeal.
- B. Failure to pay a fine assessed under this By-law within thirty (30) days from the date of assessment; and
- C. Failure to comply with the requirements of Section 3 (Control and Curtailment of Signals Emitted by Alarm Systems). Each day during which the aforesaid violations continue shall constitute a separate offense.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

Section 6: Any business who employs a Video Security System shall register it with the Administrator.

Section 7: The invalidity of any part or parts of this By-law shall not affect the validity of the remaining parts or in any way act thereon.

To do or act thereon.

SPONSORED BY:	By-law Committee
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments: (Finance Committee) Passage of this article would amend the Town By-Laws by replacing the current Chapter 27 Alarm Systems By-Law with a new Chapter 27 Alarm and Video Security Systems By-Law. This replacement comes after cooperation between the By-Law Committee and Maynard Police Department. The previous chapter was long overdue for a technology update. The new chapter requires registering video surveillance systems with the police department for businesses only (and therefore does not apply to residents who have video doorbell systems).

Comments: (Sponsor) The Alarm Systems By-law had not been updated for several decades. The technology and processes have changed and the By-law has been updated to reflect those changes. The Committee has worked with the Chief of Police and at his request included a section on video security systems on commercial property so the Police Department can be aware of the location of those systems.

<p>MOTION MADE: That the Town vote to approve Article 4 as printed in the warrant, except the words, “to do or act thereon”.</p>

<p>MOTION PASSED.</p>

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 5 AMEND BY-LAW CHAPTER 24: DOG OWNER'S
RESPONSIBILITY**

To see if the town will vote to amend the Town By-law by changing the title of Chapter 24 to
“DOG OWNER’S RESPONSIBILITY BY-LAW”;

Add the following to Section 1:

- C. Wavier of fees:
1. No fee shall be charged for a license for a dog owned by a person aged 70 years or over.
 2. No fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act (ADA). Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.
- D. Late fees: All owners or keepers of dogs kept in the Town of Maynard during the preceding six (6) months and who, on the first day of March of each year, have not licensed said dog or dogs, as prescribed by Section 173, Ch. 140 of the Massachusetts General Laws, shall be required to pay a fee of \$25.00 for each said unlicensed dog over and above any other applicable licensing charge or penalty to the Town. This fee is not subject to wavier.”

Delete Section 7;

Renumber Section 9: Leash Law to Section 7: Leash Law;

In new Section 7: Leash Law, replace subsections A2 and A3 with the following as subsection A2:

“Service animals as defined by the ADA as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples are given in Section 1, subsection C1.”

And renumber subsection A4 to A3 and subsection A5 to A4;

Delete Section 8;

Add the following to Section 7: Leash Law as subsection D:

“No person shall permit a dog under their direct control to be off the premises of the owner

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

or person responsible unless the dog is under the full and direct control of the owner or responsible person and kept on a safe and adequate leash. The owner of the dog or person responsible who violates this section 7 of this By-law shall, after receiving a written warning as to a violation of this section be punished for a subsequent offense by a penalty of twenty-five (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense and one hundred dollar (\$100.00) for each subsequent offense. The person responsible for the control of any dog shall be deemed to be a person who has willingly assumed the control of the dog from its owner or, in the alternative, the licensed owner of the dog.”

Renumber Section 10: Dog Waste Disposal to Section 8: Dog Waste Disposal;

Replace the following in the new Section 8: “Exempt from this requirements of this By-law are “assistance dogs” in the service of their handlers, such as those dogs who aid the deaf or blind.” with “Exempt from the requirements of this section are service animals in the service of their handlers, when the handler is physically unable to clean up after the animal.”

And replace all occurrences of the terms “Dog Officer” and “Dog Control Officer” with the term “Animal Control Officer”.

To do or act thereon.

SPONSORED BY: By-law Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Finance Committee) Passage of this article would re-organize Chapter 24 of the Town By-Laws for clarity, as well as revise the By-Law to (a) waive registration fees for dog owners over 70 and those with registered service dogs, and (b) update fines for violations.

Comments: (Sponsor) The updates to this By-law are to clarify the licensing and fee requirements for owners 70 years and older and for owners of service animals. This also required a clarification of the definition of a service animal according to the Americans with Disabilities Act. There are also updates to the fines for Leash Law violations.

MOTION MADE: That the Town vote to approve Article 5 as printed in the warrant, except the words, “to do or act thereon”.

MOTION PASSED.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

ARTICLE: 6 AMEND BY-LAW CHAPTER 21: NUISANCES

To see if the town will vote to amend the Town By-law by deleting the current Chapter 21 NUISANCES by-law, and creating a new Chapter 21 NUISANCES By-law as follows:

CHAPTER 21

NUISANCES

All Public Areas

Section 1: No person shall place or cause to be placed in any public place, street, or private way, or in any running stream or body of water, dirt, rubbish, wood, timber or other materials tending to cause obstruction nor deposit ashes, garbage, waste, paper, carrion, filth, or offal, except in such places as shall be permitted by the Board of Health. Violation of this section may be enforced in the manner provided in Massachusetts General Law, Ch. 40, § 21-D; for the purpose of this By-law section the specific penalty which is to apply for violations of this section shall be as listed below and the Health Officer and/or Police Officers shall be deemed to be the Enforcing Person.

Penalty: 1st Offense – Written Warning
 2nd Offense - \$ 50.00
 3rd Offense - \$100.00
 And each day thereafter.

Section 2: No person shall bathe, swim in any waters within the town in a state of nudity in places exposed to public view, or in the immediate site of the occupant or occupants of any dwelling house, shop, factory, under a penalty of fifty dollars (\$50).

Section 3: No person shall make any indecent figure or write any indecent or obscene words upon any fence, building or structure in any public place or upon any sidewalk or wall under a penalty one hundred dollars (\$100) for each offense.

Section 4: No person, unless required by law to do so, shall make any marks, letters or figures of any kind, or place any sign of advertisements or placard upon or against any wall, fence post, ledge, stone, tree, building, sidewalk or structure in or upon any street in this town without the permission of the owner thereof under penalty of fifty dollars (\$50).

Section 5: No person shall resort to or frequent any schoolhouse grounds or enclosure in the Town to interfere with or annoy any persons lawfully using or enjoying same; nor shall any person resort to or frequent any cemetery or graveyard in the Town and there engage in or be present at any game of cards or other sport, or lounge or loiter therein to the annoyance or interference of persons properly visiting or resorting to said places, under penalty of one hundred dollars (\$100) for each offense.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

All Public Ways

Section 6:

A: No person shall construct or maintain any drain or conduit carrying polluted water from any house, shop or other building, or from any vault, cesspool, cistern, to or upon any street or way so as to discharge water or other matter in or upon any such street or way except when permitted in writing to do so by the Board of Health, under a penalty of three hundred dollars (\$300).

B: Whoever violates the provisions of the this section and allows any material so placed to remain in such public place, street, or private way for more than twenty-four hours, shall be liable to line penalty for each additional day thereafter, during which he shall suffer such material to remain in such public place, street or private way.

Section 7: No person shall pasture or tether any animal in any street in the Town in such a manner as to obstruct the street or sidewalk under penalty of fifty dollars (\$50).

Section 8: No person, except an authorized agent of a town department, shall break or dig up or aid in breaking or digging up the ground in any street or square in the Town without a permit from the Board of Selectmen, under a penalty of three hundred dollars (\$300) for each offense.

Section 9:

- A.** No person shall throw stones, snowballs, sticks or other projectiles nor kick a football, nor play any game in which a ball is used, nor fly any kite or balloon, nor shoot with or use a bow and arrow, firearm, air-gun, or sling, in or across any of the public ways of the Town;
- B.** nor obstruct any street in the Town;
- C.** nor take hold of, nor ride upon, the hind part of any carriage, or other vehicles, without leave;
- D.** nor join in any assemblage or group in the street, or on any sidewalk in town to the annoyance of passengers, or so as to obstruct the free passage of passengers;
- E.** nor drive, wheel or draw any coach, cart, or other carriage of burden or pleasure, except children's carriages drawn by hand upon any sidewalk in the Town,
- F.** nor use any profane, indecent or insulting language in any street or other public place in the Town, or near any dwelling house or other buildings therein nor be or remain upon any doorstep, portico, or other step or projection of any such building or house;
- G.** under a penalty of fifty dollars (\$50) for each offense.

Section 10: No person shall coast or skateboard upon any sidewalk, street, public way or any other Town owned land except such areas as designated by the Board of Selectmen each year through public notice. Penalty for each offense as cited by the Maynard Police Department shall be fifty dollars (\$50).

Section 11: No person shall operate a motorized scooter, motorized skateboard, other similar motorized vehicle on any public way, sidewalk, playground, or on any property owned by the

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

Town of Maynard. The following vehicles shall be exempt from the provisions of this By-law, unless operating in an unsafe manner:

- A. Vehicles registered and/or licensed as motor vehicles
- B. Vehicles used by handicapped persons,
- C. Landscaping equipment
- D. Golf Carts at the Maynard Golf Course

Penalty for each offense as cited by the Maynard Police Department shall one hundred dollars (\$100) for each offense.

Section 12: Said streets may be protected by barriers and any unauthorized person or persons moving such barriers shall be subject to a fine of three hundred dollars (\$300) for each offense.

Section 13: No person shall move or assist in moving any building over any street or way which this Town is obliged to keep in repair without written permit of the Board of Selectmen being first obtained, or having obtained such permit, without complying with the restrictions and provisions thereof, under a penalty of three hundred dollars (\$300) for each offense.

Section 14: Any person, who intends to erect, alter, repair or take down any building, or part thereof, on land abutting on any street or public place in this Town and desires to make use of such street or place for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Board of Selectmen. Thereupon the Board of Selectmen may grant a permit to occupy such a portion thereof to be used for such purposes as in their judgment the necessity of the case demands and the security of the public allows; such a permit to run for not longer than sixty (60) days and to be on such conditions, and by furnishing such security, by bond, or otherwise, for the observance and performance of the conditions and for the protection of the Town, as the Board of Selectmen may require and especially in every case upon conditions that during the whole of every night, from sunset in the evening until sunrise in the morning, proper lights shall be placed as effectively to secure all travelers from liability to injury. Such permits may be renewed at the discretion of the Board of Selectmen. Whoever violates the provisions of this section shall be liable to a penalty of three hundred dollars (\$300) for each offense.

Section 15: No person or persons shall place or cause to be placed in or on any public street, or sidewalk, snow which may be a hindrance to pedestrians or vehicular traffic. Whoever violates the provisions of this section shall be liable to a penalty listed below.

Penalty: 1st Offense – \$100.00
 2nd Offense - \$200.00
 3rd Offense - \$300.00
 And each offense thereafter

Section 16: The Superintendent of the Department of Public Works or other officer having charge of ways, for the purpose of removing or plowing snow or removing ice from any way, is hereby authorized to remove or cause to be removed to some convenient place, including in such term of

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

public garage, any vehicle interfering with such work, and the cost of such removal and of the storage charges, if any, resulting there from, shall be borne by the owner of such vehicle.

Public Ways Sidewalks

Section 17:

- A. No person shall ride a bicycle, moped, motorized bicycle or motorcycle on any sidewalk in the Town of Maynard, except that a bicycle may be ridden on a sidewalk outside of the business district when necessary in the interest of safety but shall yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian. Any person who violates the provisions of this section shall be punished by a fine of fifty dollars (\$50) for each violation. A bicycle operated by a person under the age of eighteen (18) years in violation of this section may be impounded by the Police Department for period not to exceed fifteen (15) days.

- B. Operation of bicycles shall be subject to the following regulations:
 - 1. Operators riding together shall not ride more than two abreast but must ride single file to facilitate passing traffic.
 - 2. The operator shall not ride other than or astride a permanent and regular seat attached to the bicycle.
 - 3. The operator may not carry a passenger anywhere on their bicycle except on a regular seat permanently attached to the bicycle or in a trailer towed by the bicycle.
 - 4. The operator may not carry any child between the ages of 1 to 4, or weighing 40 pounds or less, anywhere on a single-passenger bicycle except in a baby seat attached to the bicycle. The child must be able to sit upright in the seat and must be held in the seat by a harness or seat belt. Their hands and feet must be out of reach of the wheel spokes.
 - 5. The operator may not carry any child under the age of 1 on your bicycle, even in a baby seat; this does not preclude carrying them in a trailer.
 - 6. The operator shall park their bicycle upon a way or sidewalk in such a manner as not to obstruct vehicular or pedestrian traffic.
 - 7. The operator shall not permit their bicycle to be drawn by any other vehicle. The operator shall not tow any other vehicle or person, except for a trailer designed for such purpose.
 - 8. The operator shall not carry any package, bundle, or article except in or on a basket, rack, or other device designed for such purposes. The operator shall keep at least one hand upon the handlebars at all times.
 - 9. No bicycle shall be operated in a way with handlebars so raised that the operator's hands are above their shoulders while gripping them. Any alteration to extend the fork of a bicycle from the original design and construction of the bicycle is prohibited.
 - 10. No person shall operate a bicycle upon any street or way in such a manner as to obstruct vehicles using the street or way.

Section 18: No person shall place over any sidewalk any awning, shade or signboard less than seven (7) feet from the ground at the lowest part, nor construct or maintain any awning, shade or

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

signboard extending beyond the line of the sidewalk, and for any offense against this By-law an offender shall pay a fine of three hundred dollars (\$300).

Section 19: In its sole discretion, the Board of Selectmen may grant a license to a business establishment for the temporary use of a portion of a sidewalk immediately adjoining that business establishment. The Board may adopt reasonable rules and regulations related to the issuance of such license, including fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

Section 20:

- A. In its sole discretion, the Board of Selectmen may grant a license to an establishment operated for the sale of food or beverages, either alcoholic or non-alcoholic, to place one or more tables on a portion of a sidewalk immediately adjoining that business establishment, such tables to be used only for the use and enjoyment of its business clientele. Any such license shall be granted upon such terms and conditions as the Board may impose, including the designation of a sidewalk area with which all tables must be located.
- B. Any such license shall have duration of no more than one year from the date of issue and may restrict the location of such tables on a sidewalk to designated periods of time during the license period. Any business establishment placing tables on any sidewalk without first being licensed by the Board shall be in violation of this By-law and assessed a penalty of one hundred dollars (\$100) for each offense.
- C. The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

Unregistered Motor Vehicles

Section 21:

- A. Unregistered motor vehicles which are unfit for use, permanently disabled or have been dismantled, or are otherwise inoperative, shall not be stored, parked, or placed upon any land in the Town unless the same shall be within a building or in an area unexposed to the view of the public and abutters or in an area properly approved for the keeping of same by licensed junk dealers and automobile dealers. The fine for any violation of the provisions of this By-law shall one hundred dollars (\$100) for each offense. Each day that such violation continues shall constitute a separate offense.
- B. Each owner or person responsible for the presence of a motor vehicle described in Section 21A, excepting there from any motor vehicle with intrinsic value as an Antique Motor Car, as defined in the Massachusetts General Law, Ch. 90, § 1, shall be subject to the following procedure regarding removal or enclosure of such motor vehicle:
 - 1. Any resident of the Town of Maynard who wishes to file a formal written complaint regarding the presence of such motor vehicle on property located within the Town of Maynard must file such complaint with the Board of Selectmen and shall be granted a

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

hearing before the Board of Selectmen within fourteen (14) days of receipt of the written complaint.

2. The Board of Selectmen shall make a final decision based upon matters presented at such hearing and may, at their option, require or order any one or more of the following:
 - a. That the owner or person responsible be compelled to remove the motor vehicle from the premises within a stated period.
 - b. That the owner or person responsible places the motor vehicle within a proper enclosure suitable to remove it from public view.
 - c. Any further remedy that may be justified by the circumstances presented at the time of the hearing.

C. In the event of non-compliance with an order or directive of the Board of Selectmen within five (5) days of receipt of such order by the owner or person responsible, the Police Department shall be authorized to tow or remove the subject motor vehicle by whatever means necessary at the expense of such person.

Unattended Motor Vehicles

Section 22:

- A.** No person shall leave unattended any motor vehicle so that any portion of said vehicle is on or protruded over or within the limits of a private way, furnishing means of access for fire apparatus to any building.
- B.** For the purpose of this By-law only, the registered owner shall be considered the person responsible for leaving such vehicle unattended, unless it is otherwise determined that another identified person did so because the vehicle is unattended.
- C.** Notwithstanding any other provision of the By-law the Town of Maynard, to the contrary, any person violating this By-law shall be punished by a fine of three hundred dollars (\$300).
- D.** Paragraph (S. 22 B) of the aforesaid By-law shall be considered separable so that if it should at some time be found void or unenforceable by a court of law, the remainder shall remain in full force and effect.

To do or act thereon.

SPONSORED BY:	By-law Committee
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments: (Finance Committee) Passage of this article would replace the current Nuisances By-Law with a new one that has been re-organized for clarity. Fines have been changed to reflect Town Counsel's recommendation that fines be explicit rather than a range. Also, the section on

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

blight has been removed as a result of approval of the new Chapter 41 at October 2019 Special Town Meeting. In Section 11, golf carts have been added to authorize motorized vehicles because the Maynard Golf Course is Town-owned. Section 17 was updated to reflect a state law allowing bicycle riders to ride two abreast, rather than single file only. This section also has additions for baby/toddler bike safety.

Comments: (Sponsor) This update is a complete overhaul of Chapter 21. The main changes are a reorganizing of the sections to group the sections by similar topic as best we could and listing a specific fine for a given By-law violation rather than a wide range such as \$5 to \$300 dollars. The subsection of the operation of bicycles has been updated to reflect current state law and bicycle accessories. The section on Blight has been deleted, having been superseded by the adoption of Chapter 41 Minimum Property Standards of Commercial and Industrial Properties at the Special Town Meeting Oct 28, 2019.

MOTION MADE: That the Town vote to approve Article 6 as printed in the warrant, except the words, “to do or act thereon”.

AMENDMENT MADE: That the Town vote to remove the proposed wording of section 8 entirely as printed in the warrant and replace it with the following:

“8 The operator shall not carry any package, bundle, or article, or wear any clothing or accessory in such a way as to interfere with or detract from the operator’s proper control of the bicycle or substantially obstruct their view. The operator shall keep at least one hand upon the handlebars or other steering and braking mechanism at all times.”

AMENDMENT PASSED.

AMENDMENT MADE: That the Town vote to remove the proposed wording of section 9 entirely as printed in the warrant, and replace it with the following:

“9. Any bicycle, whether by original design, or by the addition of accessories, or constructed or re-constructed from parts, must be capable of being operated in a safe manner, including steering, braking, and clear lines of sight by the operator.”

AMENDMENT FAILED.

MOTION WAS MADE TO TABLE ARTICLE 6 WAS PASSED.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 7 HOME RULE PETITION – SPECIAL LEGISLATION TO ADD A
LIQUOR LICENSE FOR ART’S SPECIALTIES, 25 NASON STREET**

To see if the Town will vote to authorize the Board of Selectmen to file a Home Rule Petition with the General Court for a special law authorizing the Town to grant an additional license for the sale of all alcoholic beverages to be drunk off the premises for the property located at 25 Nason Street, Maynard. The proposed Special Act would read as follows:

**AN ACT AUTHORIZING THE TOWN OF MAYNARD TO GRANT AN ADDITIONAL
LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK OFF THE
PREMISES AT 25 NASON STREET**

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the local licensing authority of the town of Maynard may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises, under section 15 of said chapter 138, to Art’s Specialties located at 25 Nason Street in the town of Maynard, Massachusetts. The license shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of the license granted under this section to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a licensee terminates or fails to renew a license granted under this section or any such license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

(d) All licenses granted under this section shall be issued within 1 year after the effective date of this act; provided, however, that a license originally granted within that time period may be granted to a new applicant under subsections (b) or (c) thereafter.

SECTION 2. Upon the issuance of the license authorized under this act, the licensee shall return physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, its license for the sale of wine and malt beverages not to be drunk on the premises under section 15 of chapter 138.

SECTION 3. This Act shall take effect upon its passage.

And that the Board may make modifications and changes which do not effect the substance of the Act.

Or take an action relative thereto.

To do or act thereon.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Finance Committee) Passage of this article would allow authorize the Board of Selectmen to seek an additional license for the sale of all alcoholic beverages to be drunk off the premises for Art's Specialties, located at 25 Nason Street.

Comments: (Sponsor) The state legislature issues liquor licenses to municipalities, primarily based on a ratio of population. The legislature must be petitioned for additional licenses. Maynard currently has three all alcohol retail liquor licenses. A fourth license was approved by Town Meeting in June 2020 and is currently being reviewed by the state legislature. Advocates in support of this petition propose that an additional all alcohol retail license, to be drunk off premises, will support the expansion of Art's Specialties to a local specialty grocery store. The applicant hopes that this expanded use will increase vitality and foot traffic in downtown Maynard.

MOTION MADE: That the Town vote to approve Article 7 as printed in the warrant, except the words, "to do or act thereon".

MOTION PASSED.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 8 EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP)
FUNDING**

To see if the Town will vote to appropriate from Community Preservation Funds the amount recommended by the Community Preservation Committee (CPC) for the ERAP community preservation project, as presented to the CPC, in accordance with the requirements of Massachusetts General Laws Chapter 44B

Appropriation: From the Budgeted Reserve Fund, the amount of \$75,000, to the Maynard Affordable Housing Trust Fund. The funding to be used for the Maynard Emergency Rental Assistance Program, with all unexpended funds as of June 30, 2021 being returned to their funding source.

To do or act thereon.

SPONSORED BY:	Community Preservation Committee
APPROPRIATION:	\$75,000.00
FINCOM RECOMMENDATION:	Recommends

Comments: (Finance Committee): Passage of this article would appropriate \$75,000 by transfer from the Community Preservation Budgeted Reserve Fund to the Maynard Affordable Housing Trust Fund for use in providing rental assistance to members of the Maynard community who have been affected by the pandemic. These funds will be made available through applications submitted by those in need. This appropriation will have no effect on property tax bills; any portion of the appropriation not used by June 30, 2021, will remain in the Affordable Housing Trust Fund unless returned to the Budget Reserve Fund by a separate Town Meeting vote. *(See also Sponsor's comments.)*

Comments: (Sponsor) CPC funding comes from a 1.5% real estate tax surcharge on residential properties and a partial state match. The Emergency Rental Assistance Program (ERAP) provides temporary, monthly rental assistance in the form of a grant to eligible households who have had a loss of income due to COVID-19 pandemic. More information about Maynard's ERAP is available at www.RSHOhousing.org.

<p>MOTION MADE: That the Town vote to approve Article 8 as printed in the warrant, except the words, "to do or act thereon".</p>

<p>MOTION PASSED YES: 148 NO:10</p>
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TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

ARTICLE: 9 AMEND THE TOWN GENERAL FUND BUDGET FISCAL YEAR 2021

To see if the Town will vote to adjust the FY2021 Budget by reducing the following line items as noted:

	Amount (Subtracted)	Total Budget
General Government	\$(54,048.00)	\$3,258,584.00
Public Safety	\$(50,000.00)	\$5,048,744.00
Education – Maynard	\$(265,422.00)	\$20,027,338.00
Education – Assabet	—	\$1,256,568.00
Public Works	\$(26,400.00)	\$2,108,689.00
Culture and Recreation	\$(3,500.00)	\$587,344.00
Debt Service	\$(3,000.00)	\$3,449,787.00
Reserve Fund	—	\$250,000.00
<u>Employee Benefits</u>	<u>\$(40,000.00)</u>	<u>\$8,546,411.00</u>
Total General Fund Expenses	\$(442,370.00)	\$44,533,650.00

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: -\$442,370.00
FINCOM RECOMMENDATION: At Town Meeting

Comments: (Finance Committee) At Town Meeting.

Comments: (Sponsor) The current Fiscal Year 2021 (FY21) budget was appropriated at the Annual Town Meeting in June 2020. The budget includes forecasted revenue from “local aid” provided by the state’s budget and “local receipts” from the town’s collections, namely meals and excise taxes. However, as of August 2020, the state’s final budget is not yet signed into law. Although the amount of aid is reportedly going to be “level-funded” from FY20, any changes to assessments is yet unknown. Fortunately, the FY21 already-appropriated town budget accounted for level-funding of “local aid” at FY20 levels. With the intentions to offset possible changes in assessments by the state, and projected decreases in “local receipts”, the town’s operating expenses are proposed to be revised as presented. Risks from these reductions arise from unexpected service demands or adjustments to increased operating costs, as well as unforeseen demand for benefits, such as health insurance, worker’s compensation or unemployment payments. The need for a police cruiser is proposed to be addressed through the transfer out of Capital Stabilization.

Amendments to the function of Education by the Maynard Public School District may be reported on by the School Committee.

MOTION WAS MADE TO VOTE ARTICLES 9 AND 10 SEPARATELY PASSED.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

MOTION MADE: That the Town vote to approve Article 9 as printed in the warrant, except the words, “to do or act thereon”.

MOTION PASSED YES: 95 NO: 58 ABSTAIN:1

ARTICLE: 10 ACCEPTANCE OF KEENE AVENUE

To see if the Town will vote to accept Keene Avenue as a public way in the Town of Maynard, and any appurtenant easements thereto, as laid out by the Board of Selectmen on a plan entitled “As-Built & Street Acceptance Plan, Keene Avenue Subdivision, Keene Ave., Maynard, MA” prepared by H-Star Engineering and dated December 13, 2018 on file in the office of the Town Clerk; and to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, take by eminent domain or otherwise, take any interest in land necessary for laying out and acceptance of said ways, and any appurtenant drainage, utility or other easements related to said ways, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Maynard boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article.

To do or act thereon.

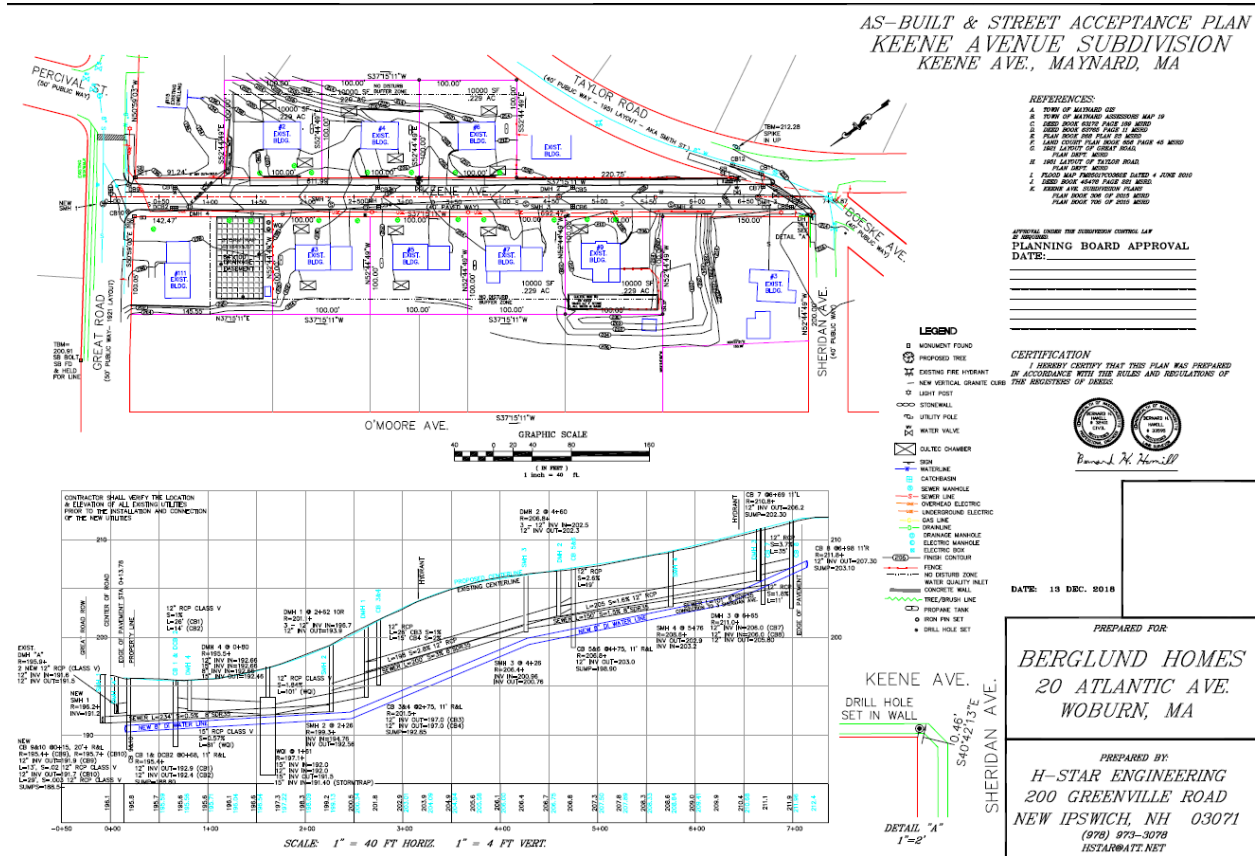
SPONSORED BY:	Planning Board
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments: (Finance Committee) Passage of this article would (a) accept Keene Avenue as a public way, (b) authorize the Board of Selectmen to acquire land necessary for laying out and acceptance of Keene Avenue, and (c) authorize Town boards, committees, and personnel to take actions needed to finalize this acceptance. There is no projected cost to the Town, as this road is in a new development.

Comments: (Sponsor) The Keene Avenue subdivision has been completed consistent with plans approved by the Planning Board. Keene Avenue itself has been found constructed to Department of Public Works (DPW) standards. The developer has been released from all surety posted with the Town.

At the time of printing, title research for Keene Avenue has not been fully completed and the Planning Board has not taken a vote to recommend acceptance of Keene Avenue. The Planning Board will hear this prior to the Special Town Meeting. The town’s Office of Municipal Services will recommend the Planning Board accept Keene Avenue subject to Town Counsel’s legal verification the property title is unencumbered and legally acceptable to the town.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020



MOTION MADE: That the Town vote to approve Article 10 as printed in the warrant, except the words, “to do or act thereon”.

MOTION PASSED YES: 144 NO:6

THE MODERATOR CHOSE TO HAVE ARTICLE 10 VOTED WITH ARTICLES 11, 12, 13.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 11 ZONING BY-LAW AMENDMENT SECTION 2: OPEN SPACE
COOLIDGE SCHOOL**

To see if the Town will vote to amend the “Zoning Map of Maynard” referred to under Section Two of the Protective Zoning By-law, as amended by changing the zoning designation from “General Residence” to an “Open Space” zoning district for a portion of the property located at 12 Bancroft Street (Assessor’s Map 20, Parcels 234). This is a portion of the Coolidge School site located just east of the former school structure extending to Parker Street. It includes the sledding hill area) legal descriptions as follows:

“Thence: S 73° 56' 37" E a distance of two hundred four and fifty-eight hundredths (204.58) feet to a point; Thence: S 52° 02' 44" E a distance of one hundred fifty-five and eighty-eight hundredths (155.88) feet to a point on the westerly sideline of Parker Street; Thence: S 14° 21' 00" W a distance of one hundred ninety-two and no hundredths (192.00) feet along the westerly sideline of Parker street to a point on the northerly sideline of Elmwood Street; Thence: N 73° 55' 54" W a distance of four hundred forty-three and seventy-five hundredths (443.75) feet along the northerly sideline of Elmwood Street to a point on the easterly sideline of Bancroft Street; Thence: N 12° 11' 06" E a distance of forty-seven and twenty-one hundredths (47.21) feet along the easterly sideline of Bancroft Street to a point; Thence: S 77° 48' 54" E a distance of ninety-two and forty hundredths (92.40) feet to a point; Thence: N 29° 29' 41" E a distance of ninety-two and eighteen hundredths (92.18) feet to a point; Thence: N 11° 50' 57" E a distance of forty-three and four hundredths (43.04) feet to a point; Thence: N 78° 09' 03" W a distance of thirteen and seventy hundredths (13.70) feet to a point; Thence: N 11° 50' 57" E a distance of sixty-five and twenty-two hundredths (65.22) feet to the point of beginning.”

Said portion is shown as Lot B on a plan entitled “Plan of Land in Maynard, Massachusetts (Middlesex County)”; For: Town of Maynard; Scale 1”=40’; Dated: January 22, 2020; prepared by Stamski and McNary, Inc., 1000 Main Street, Acton, MA and which is on file with the Town Clerk.

To do or act thereon.

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

Comments: (Finance Committee) Passage of this article would rezone from General Residence to Open Space a parcel of Town-owned land—specifically, the portion of the Coolidge School property being retained by the Town after the sale of the Coolidge School—thereby preserving the sledding hill, ball field, playground, and other recreational facilities.

Comments: (Sponsor) In 2019, a Request for Proposals (RFP) was issued for a developer that would repurpose the Coolidge School as a residential redevelopment project consistent with the conceptual plan presented at Town Meeting. As part of the sale of the Coolidge School, the property will be split into two lots, and the Town will retain ownership of the almost two acre park

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

area, including the sledding hill. By re-zoning the property from General Residence to Open Space, the property will be further preserved as recreational, open space land. Rezoning the property further the goal identified by the Coolidge School Working Group of preserving the sledding hill and park for public use.

MOTION MADE: That the Town vote to approve Article 11 as printed in the warrant, except the words, “to do or act thereon”.

MOTION PASSED YES: 144 NO:6

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

ARTICLE: 12 ZONING BY-LAW AMENDMENT – AMEND SECTION 9.4.10 TO 9.4.9

Amend Section 9.4.10 Parking by changing the section number from 9.4.10 to 9.4.9.

To do or act thereon.

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

Comments: (Finance Committee): Passage of this article would correct a minor numbering error in the Town's Protective Zoning By-laws.

Comments: (Sponsor): This section was incorrectly numbered, resulting in a jump from Section 9.4.9 to 9.4.10. This amendment will correct the numbering discrepancy.

MOTION MADE: That the Town vote to approve Article 12 as printed in the warrant, except the words, "to do or act thereon".

MOTION PASSED YES: 144 NO:6

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 13 AMEND ZONING BY-LAWS TO ADD DEFINITION: FOR-PROFIT
EDUCATION INSTITUTION**

- 1. AMEND SECTION 11.0, DEFINITIONS BY ADDING THE DEFINITION FOR “For-profit educational institution” (the proposed text is underlined):**

Educational Institution, For-Profit: A school or other education institution owned by a private, profit-seeking business or entity. This does not include educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation.

To do or act thereon.

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

Comments: (Finance Committee) Passage of this article would add a definition for “For-Profit, Education Institution” to the Town’s Protective Zoning By-Laws, thereby acknowledging and clarifying the distinction between for-profit and non-profit educational institution.

Comments: (Sponsor) Currently, there is no definition for “For-Profit, Education Institution” in the Zoning By-laws. Adding the definition further clarifies the use.

MOTION MADE: That the Town vote to approve Article 13 as printed in the warrant, except the words, “to do or act thereon”.

MOTION PASSED YES: 144 NO:6

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

ARTICLE: 14 WATER SUPPLY PROTECTION DISTRICT MAP

To see if the Town will vote to amend the Town of Maynard Zoning Map to reflect an amendment to the Water Supply Protection District Map dated March 2017 to include the parcels (or portions thereof) as noted on Assessors Map 28, Lot 1; Map 23, Lot 12; Map 24, Lot 14; Map 24, Lot 15; Map 25, Lot 152.1; Map 25, Lot 152.2; and Map 25, 152.3 and which includes a new well source, known as Well 4A, as shown on the Amended Map dated July, 2020 and which is on file in the office of the Town Clerk Office.

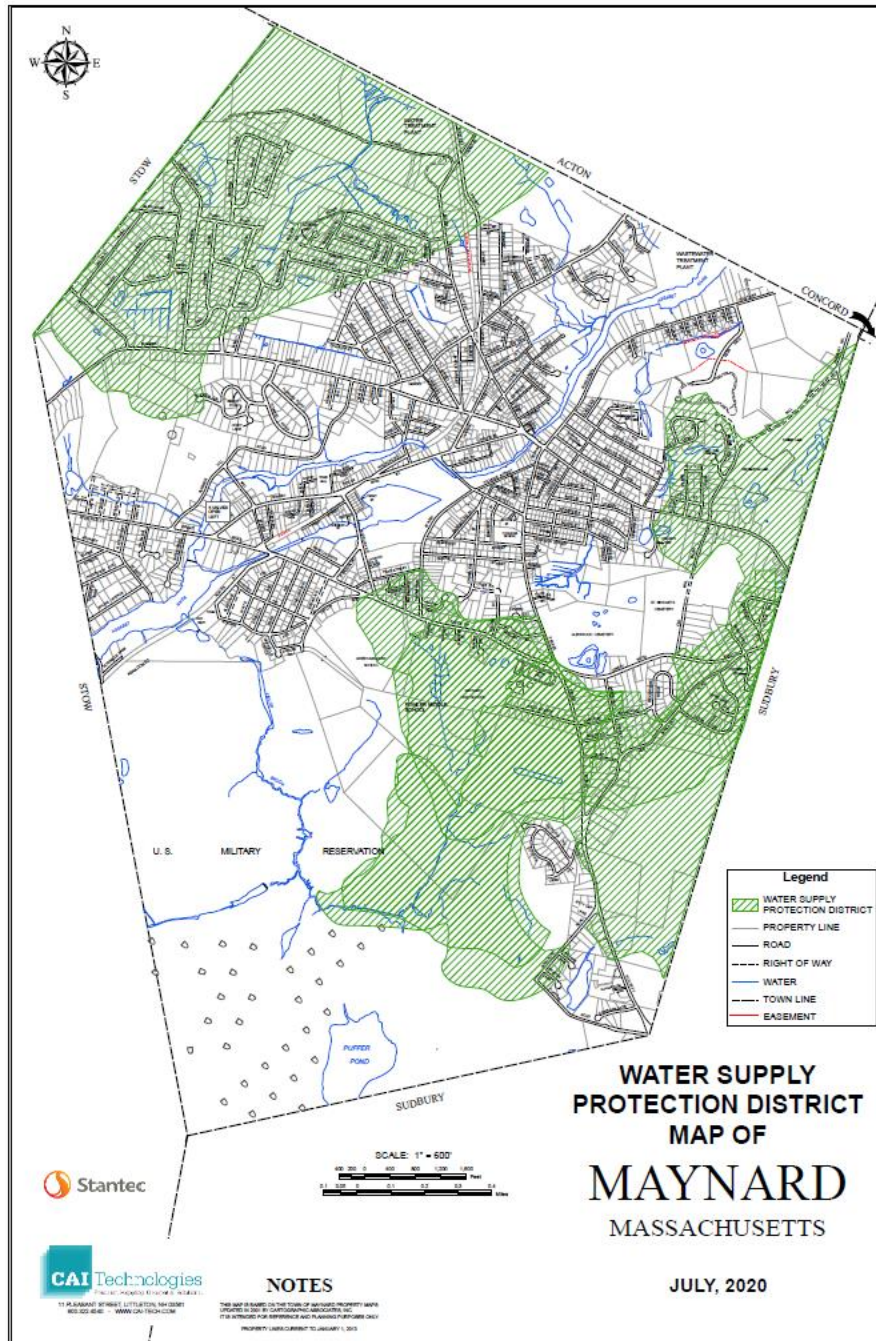
To do or act thereon.

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

Comments: (Finance Committee) Passage of this article would amend the Town's Water Supply Protection District Map to incorporate a new well source, Well 4A, which is located off of Dettling Road.

Comments: (Sponsor) The Water Supply Protection District Map denotes a protection zone for town water sources. The protection district also extends protection to adjacent town water sources. The map is being replaced/amended to include the protected area associated with a new well source, Well 4A, which is located off of Dettling Road.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020



MOTION MADE: That the Town vote to approve Article 14 as printed in the warrant, except the words, "to do or act thereon".

MOTION PASSED YES: 138 NO:14

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 15 LEASING AUTHORIZATION THROUGH GENERAL FUND
APPROPRIATION FOR PUBLIC WORKS CAPITAL**

To see if the town will vote pursuant to Chapter 44 Section 21C to authorize the Board of Selectmen to enter into a lease agreement for the lease and purchase of Toro Ground-Master Mower for a period of three (3) years but in any event not in excess of the useful life of the property to be procured on such term and conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreement and to fund the first year of the lease with a \$24,156.44 payment in the annual Public Works General Fund budget leasing account line item required in the first fiscal year or take any action relative there to.

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: \$24,156.44
FINCOM RECOMMENDATION: Recommends

Comments: (Finance Committee): Passage of this article would authorize the Board of Selectmen to (a) enter into an agreement for the lease and purchase of Toro Ground-Master Mower over a period of three years and (b) spend \$24,156.44 for the first year of the lease. The purchase cost of the mower is \$68,477.92. The preferred lease-to-own option is for three years with a total three-year cost of \$71,061.30, after which the Town will own the mower. Interest paid over three years will be \$2,583.38, and the expected useful life of the mower will be approximately 10-12 years. *(See also sponsor's comments.)*

Comments: (Sponsor) The lease of the Toro Ground-Master 4000d with an eleven-foot cut width is an upgrade for the current Hustler mower with a five-foot cut width for the Department of Public Works (DPW). The addition of upgraded athletic fields, and the expectation to maintain the fields at a level above the current practice makes this equipment vital to increasing the amount of cutting required to meet these levels. The upgrade of this equipment will allow department staff to cover twice as much cutting area, thus allowing for more efficient use of personnel and time management within the cemetery, parks & forestry division. This equipment will be utilized on all park and athletic fields throughout the community, except the cemetery. The mower will be too large to be utilized within the cemetery. The cost of lease is directly related to the DPW yearly operating budget starting in fiscal year 2021. This is a method that the department has utilized in the past for other equipment acquisitions.

MOTION MADE: That the Town vote to approve Article 15 as printed in the warrant, except the words, "to do or act thereon".

MOTION PASSED YES: 138 NO:14

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

ARTICLE: 16 TRANSFER FROM CAPITAL STABILIZATION

To see if the town will transfer from Capital Stabilization the sum of \$117,000.00 for the purposes listed:

Expense:	Amount:
Police Cruiser	\$45,000.00
School District-Wide Wi-Fi upgrades	\$72,000.00

To do or act thereon.

SPONSORED BY:	Board of Selectmen
APPROPRIATION:	\$117,000.00
FINCOM RECOMMENDATION:	Recommends

Comments: (Finance Committee): Passage of this article would transfer \$117,000.00 from the Capital Stabilization Fund, to be spent on a police cruiser (\$45,000.00) and District-Wide Wi-Fi upgrades for the Maynard Public Schools (\$72,000.00). There would be no tax impact from this action; however, the Capital Stabilization Fund (one of the Town's "savings accounts") would be reduced from \$699,633 to \$582,633. *(See also sponsor's comments.)*

Comments: (Sponsor) Until Fiscal Year 2020 (FY20), the Maynard Police Department regularly procured two cruisers every year through the General Fund's appropriation for public safety operating expenses. Due to budget constraints, only a single cruiser was procured in FY20. No appropriation is provided for the procurement of a cruiser in the proposed revision of the FY21 General Fund budget. A single cruiser is recommended through the transfer from Capital Stabilization for FY21.

With the reliance on interconnectivity for contemporary educational programming, upgrades to the School District's wi-fi system is required. This appropriation is the first of a two-year initiative for that purpose.

MOTION MADE: That the Town vote to approve Article 16 as printed in the warrant, except the words, "to do or act thereon".

MOTION PASSED YES: 138 NO:14

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 17 DEBT EXCLUSION APPROPRIATION FOR BORROWING
AUTHORIZATION – FIRE STATION**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$16,000,000.00 to pay costs of construction of a fire station, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$16,000,000 under M.G.L. c. 44, §7(1) or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c. 59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or to take any other action relative thereto.

<u>PURPOSE</u>	<u>AMOUNT</u>
Fire Station Construction	\$16,000,000.00
TOTAL APPROPRIATION	\$16,000,000.00
To do or act thereon.	

SPONSORED BY:	Board of Selectmen
APPROPRIATION:	\$16,000,000
FINCOM RECOMMENDATION:	Recommends

Comments: (Finance Committee) At Town Meeting.

Comments: (Sponsor Comments) Approval of this article completes the final phase of a multi-year endeavor to replace the fire station. The 1954 constructed existing building is recognized as a severely space-constrained, aging structure, which does not provide for the adequate housing of equipment, training purposes, berthing accommodations, and maximum safety measures. The town already purchased land on Sudbury Street for the sole purposes of the construction of a new fire station, and a design of the station was appropriated for at the 2018 Annual Town Meeting. Borrowing rates are reportedly at their lowest in recent history, and construction costs are likewise reportedly stable. However, for every year this project's construction is delayed, approximately \$500,000.00 is added to its cost. The town's already-procured Owner's Project Manager (OPM), in consultation with the town's contracted design firm, provide the conservatively estimated construction costs. Maintenance costs expected for a new facility are minimal, especially in comparison to the existing facility. This proposed funding scheme requires an accompanying election's ballot measure. The additional tax levy proposed for this debt exclusion is approximately \$75.00 for the average single-family household in Fiscal Year 2021 (FY21). In FY22 through the proposed 30-year bond, an additional \$150.00 would be levied for the average single-family household.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

MOTION MADE: That the Town vote to approve Article 17 as printed in the warrant, except the words, “to do or act thereon”.

MOTION PASSED YES: 140 NO:29

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

**ARTICLE: 18 TRANSFER FROM GENERAL STABILIZATION
- GREEN MEADOW SCHOOL FEASIBILITY STUDY**

To see if the Town will vote to transfer from General Stabilization the sum of \$1,000,000.00 to be expended under the direction of the School Building Committee for the production of a feasibility study of Green Meadow School, 5 Tiger Drive, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

To do or act thereon.

SPONSORED BY:	Board of Selectmen
APPROPRIATION:	\$1,000,000.00
FINCOM RECOMMENDATION:	Recommends

Comments: (Finance Committee): Passage of this article would transfer \$1,000,000.00 from General Stabilization Fund, to be used by the School Building Committee for a feasibility study to inform Town Meeting voters and Town officials regarding options for a possible replacement for the Green Meadow Elementary School (GMES). The decision about whether to proceed with construction would be made at a future Town Meeting. A significant portion of the cost of this feasibility study would be reimbursed by the MSBA, as would be construction costs, if the decision is made at a future Town Meeting to proceed with construction. Any unused funds or reimbursement would be transferred back to the General Stabilization Fund.

In making our recommendation, the FinCom notes that the GMES was accepted into the MSBA Core Program, giving the Town access to state funding that would significantly reduce the cost of a new GMES to Maynard taxpayers. This feasibility study is a required step in the Core Program process; if this feasibility study is not funded, Maynard taxpayers would have to cover all costs of maintenance of the current aging GMES, as well as the costs of any future replacement. There would be no tax impact from this action. However, the General Stabilization Fund (one of the Town's "savings accounts") would be reduced from \$2,376,521 to \$1,376,521. After the estimated \$500,000 reimbursement from MSBA is returned to the General Stabilization Fund the balance will be \$1,876,521. *(See also sponsor's comments.)*

Comments: (Sponsor) The town, including the Maynard Public School District, is pursuing partnership with the MSBA for a building project to address the community's needs served by the Green Meadow Elementary School building. One of the initial actions of this partnership is for the town's already-appointed School Building Committee to oversee the procurement of an Owner's Project Manager (OPM). The District and its project team collaborate with the MSBA to produce a feasibility intended to document their educational program, generate an initial space summary, document existing conditions, establish design parameters, develop and evaluate alternatives, and recommend the most cost effective and educationally appropriate preferred solution to the MSBA Board of Directors for their consideration. The feasibility study will inform the next step of process

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

with the MSBA to develop a schematic design. The timeline and scope of the feasibility study is unknown, and this phase may last one to three years.

Through a successful partnership with the MSBA, the expenditure of funds for the entire building project, including the feasibility study, is reimbursed at rate determined by the MSBA. Although not yet determined, current estimates for this reimbursement rate are 40-50 percent. The cost of the feasibility study is unknown, and therefore a conservative amount of appropriation is recommended. Any amount not expended for the production of a feasibility study will be re-deposited to General Stabilization. Appropriating funds for the production of a feasibility study through a transfer from General Stabilization does not require an increase in tax collection. Traditionally, a portion of the town's certified Free Cash is contributed to General Stabilization. Transfer from General Stabilization does not impact the town's credit rating, unless contributions were not regularly made subsequently.

MOTION MADE: That the Town vote to approve Article 18 as printed in the warrant, except the words, "to do or act thereon".

MOTION PASSED YES: 121 NO:30

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

ARTICLE: 19 TAKING FOR FLORIDA ROAD BRIDGE CONSTRUCTION

To see if the Town will vote to authorize the Board of Selectmen to purchase, acquire or take by eminent domain, permanent and temporary easements in the parcels of land located 2 Florida Road, 3 Beacon Street, 1 Florida Court, 2 Florida Court and 9 Florida Road all as more or less shown on a plan produced by CME Associates Inc., entitled, "Massachusetts Department of Transportation, Highway Division, Plan and Profile of Florida Road over Assabet River, Bridge No. M-10-006 (25T), in the Town of Maynard, Middlesex County, Preliminary Right of Way Plans", with Revisions through 5-13-20, Sheet 6 of 6 and on file with the Town Clerk, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Maynard and to be used for municipal purposes; and further transfer \$280,000 from Capital Stabilization to fund said purchase or taking along with all associated legal, appraisal, and engineering costs necessary and for the miscellaneous improvements and incidental costs associated with the Bridge Construction project; pass any vote or take any action relative thereto.

To do or act thereon.

SPONSORED BY:	Board of Selectmen
APPROPRIATION:	\$280,000
FINCOM RECOMMENDATION:	Recommends

Comments: (Finance Committee): Passage of this article would (a) authorize the Board of Selectmen to purchase, acquire, or take by eminent domain permanent and temporary easements necessary to re-construct the Florida Rd. bridge (a project being funded by the Massachusetts Department of Transportation) and (b) transfers \$280,000.00 from Capital Stabilization Fund for the land acquisition and improvements that are necessary to construct the bridge (such as water line work and water valve and gate replacement), but not covered by the state funding. There would be no tax impact from this action; however, the Capital Stabilization Fund (one of the Town's "savings accounts") would be reduced from \$582,633 to \$302,633. (This calculation assumes that Article 16 passes.) *(See also Sponsor's Comments.)*

Comments: (Sponsor) The Town of Maynard is working with the Massachusetts Department of Transportation (MassDOT) to replace Bridge M-10-006, Florida Road over the Assabet River, which was built in 1915. The purpose of the project is to replace a structurally deficient concrete arch with new steel beams, a concrete bridge deck, and concrete foundations. MassDOT is responsible for administering the Design Process and providing Resident Engineer Services. Funding for this \$2.75 million dollar construction project will come from a combination of federal and state funding. The Town of Maynard is responsible for the administration and costs associated with acquiring all needed public and private property rights necessary for this project. This article asks the Town to authorize the Board of Selectmen to purchase, acquire, or take by eminent domain permanent and temporary easements necessary to construct the bridge. This article also requests that funds be appropriated for the land acquisition and improvements that are necessary to construct the bridge but are outside of the scope of the MassDOT project, such as water line work and water valve and gate replacement.

TOWN OF MAYNARD
Special Town Meeting
OCTOBER 3, 2020

MOTION MADE: That the Town vote to approve Article 6 as printed in the warrant, except the words, “to do or act thereon”.

MOTION PASSED YES: 138 NO:14

At 3:24PM, it was unanimously voted to dissolve the SPECIAL TOWN MEETING.

True Copy

Attest:

Joanna Bilotta-Simeone, Town Clerk