



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SPECIAL TOWN MEETING

To the Constable of the Town of Maynard, in said County,

GREETINGS:

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, October 28, 2019 at 7:00 p.m. then and there to act on the following articles:

SPECIAL NOTICE TO VOTERS

On Monday, October 21, 2019 at 7:00 P.M., a public hearing will be held at the Maynard Town Hall, Soup Campbell Room, Room 101, to discuss with any citizen who desires further information, as to the recommended budget, and any special Article in the Warrant to which the Finance Committee has made a recommendation. Explanation and discussion concerning these matters may be helpful in the interest of saving time at the Special Town Meeting. Your participation is welcome.

ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, such as wheelchair arrangements or signing for the hearing impaired, please contact the Office of the Selectmen at (978) 897-1301 by October 21, 2019 in order for reasonable accommodations to 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 or not 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 may be reconsidered, that is revoted, **only** within thirty (30) minutes of the time that the main article (motion) was voted on. An article can only be reconsidered once. To reconsider:

1. Ask the Moderator for recognition.
2. Ask for reconsideration within the thirty (30) minute time limit. The Moderator can now finish present business, which may go on beyond thirty (30) minute limit. However, The Moderator shall take up the reconsideration as the next order of business.
3. At the proper time, present your motion for reconsideration and state your name.
4. At the Moderator's option, he can move the motion without further discussion.

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 zoning by-laws.

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 will only be considered in the calculation of percentages. To figure the percentage, divide the Yes votes by the total Yes and No votes.

Example: 100 Yes, 50 No, and 20 Blanks shall be interpreted as:

$$\frac{100 \text{ Yes}}{100 \text{ Yes} + 50 \text{ No}} = 66.7\% \text{ or } 2/3$$

*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.

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ARTICLE: 1 AMEND THE TOWN GENERAL FUND BUDGET FISCAL YEAR 2020

To see if the town will vote to amend the Fiscal Year 2020 Operating Budget by amending the following budget lines:

The following amounts will be subtracted from the following budget line items:

Added/(Subtracted)	Amount	Total Budget
General Government	\$ (28,500.00)	\$ 3,273,943.00
Public Safety	\$ (30,000.00)	\$ 5,017,543.00
Education – Maynard	\$ (86,000.00)	\$ 19,490,953.00
Education – Assabet	\$ -	\$ 1,122,297.00
Public Works	\$ (13,500.00)	\$ 2,082,146.00
Culture and Recreation	\$ -	\$ 577,274.00
Debt Service	\$ -	\$ 3,467,245.00
Reserve Fund	\$ -	\$ 250,000.00
Employee Benefits	\$ (14,000.00)	\$ <u>8,302,255.00</u>
Total General Fund Expenses	\$ (172,000.00)	\$ 43,583,656.00

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: (\$172,000.00)
FINCOM RECOMMENDATION: Recommends

Comments: (Finance Committee) This warrant article would make cuts totaling \$172,000 to the FY 2020 Town Budget passed at the Annual Town Meeting in May, as required to provide a balanced Town budget. The Finance Committee agrees that the specific cuts identified by the Board of Selectmen, School Committee, and Town Administrator will sustain funding for needed and desired Town services, including the Maynard Schools.

Comments: (Sponsor) The current Fiscal Year 2020 (FY20) budget was appropriated at the Annual Town Meeting in May 2019. The budget includes forecasted revenue of “local aid” provided by the state’s budget. However, the state’s final budget, released in July 2019, differed from the forecasted budget in two ways: Less reimbursement for Charter School Tuition Assessments; and, increased the assessment for School Choice Tuition due to increased special education services provided by the receiving district. An amendment to the town’s FY20 appropriated budget is necessary to balance against these unbudgeted changes.

The amendments to the town’s functions (General Government, Public Works, Employee Benefits) reduce expenses by aligning the FY20 budgeted amounts with the actual spending levels from FY19. Risks to these amendments arise from unexpected service demands or adjustments to increased operating costs. Public Safety amendments include reductions to budgeted overtime compensation.

Amendments to the function of Education by the Maynard Public School District includes a \$20,000 reduction in professional development and district instructional supplies. This will reduce the availability of instructional supplies for teachers and students. Additionally, professional development for teachers and administrators will be predominantly limited to in-district providers. The district will not be offering the annual Summer Institute for staff, and funds for curriculum development have been significantly reduced.

Further amendments include a \$66,000 reallocation of general fund expenses to Circuit Breaker funding. This will limit the amount of Circuit Breaker funding available to cover FY21 Special Education expenses and will increase the need for general funds to offset those costs

ARTICLE: 2 AMEND BY-LAW, CHAPTER 41. CREATING MINIMUM PROPERTY STANDARDS BY-LAW

To see if the town will vote to amend the Town By-law by creating a new By-law, Chapter 41 Minimum Property Standards of Commercial and Industrial Properties as follows:

BY-LAW

CHAPTER 41

**MINIMUM PROPERTY STANDARDS OF
COMMERCIAL AND INDUSTRIAL PROPERTIES**

Section 1. Purpose and Scope.

- 1. Purpose:** The purpose of this By-law is to establish standards of minimum maintenance for the exteriors of commercial and industrial buildings and structures, thus promoting economic vitality within the Town of Maynard. It will enable the Town to proactively ensure property maintenance compliance, thereby protecting the Town against substandard, dangerous, or unsanitary conditions.
 - 2. Intent:** Ensure Maynard’s commercial and industrial properties remain in a condition that:
 - a.** Protects existing businesses from negative effects of under-maintained property.
 - b.** Encourages private investment.
 - c.** Contributes to an atmosphere of commercial viability.
- A. Scope.** This By-law shall apply to all commercial and industrial properties within the Town of Maynard, except where such buildings and structures are otherwise specifically regulated by other applicable Town By-laws and State regulations. For the purpose of this By-law, residential condominiums and multi-family structures and developments of four (4) or more units shall be considered Commercial. A

multi-family development with multiple structures need not be attached to be subject to this By-law.

Section 2. Definitions.

As used in this By-law, the following terms shall have the meanings indicated:

- A. Building** - A structure enclosed within exterior walls, built, erected, and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.
- B. Building Commissioner** - The Building Commissioner of the Town of Maynard and any designee.
- C. Compliance Agent** - The Building Commissioner, the Board of Health Agent, the Town Planner, the Conservation Agent, the Fire Chief, the Police Chief, and/or their designated agents. In instances involving jurisdiction of more than one (1) Compliance Agent, the Building Commissioner shall designate the lead Compliance Agent for the case.
- D. Owner** - A person or entity who, alone or severally with others:
 - 1. Has legal title to any building or parcel of land, vacant or otherwise;
 - 2. Has legal or equitable title to any building or has care, charge, or control of any building in any capacity; including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
 - 3. Is a tenant with a legal right to possess an entire building or property; or
 - 4. Is a mortgagee in possession of any building or property; or
 - 5. Is an agent, trustee, receiver, or other person appointed by the courts and vested with possession or control of a building or property.
- E. Office of Municipal Services (OMS)** - Planning, Conservation, Building and Health Departments of the Town of Maynard.
- F. Vacant Lot** - A vacant lot is a parcel of land that currently has no buildings. This includes lots that may have non-building improvements on it.

Section 3. Maintenance Requirements for Commercial and Industrial Properties.

- A.** The property owner shall be responsible for ensuring commercial and industrial properties comply with the standards of minimum maintenance below. The Compliance Agent, appropriate to his or her specific area of jurisdiction, shall determine if and when violations of this section exist.
 - 1. The exterior of all property areas and yards shall be maintained in a clean and sanitary condition, free from debris, garbage, refuse, overgrown vegetation, and other hazards that may result in unsafe circumstances, create unhealthy conditions, cause unlawful environmental degradation, or otherwise negatively affect the property or the surrounding area.
 - 2. Exterior walls. All exterior walls shall be maintained in such a condition as to prevent unauthorized entry, infestations, vandalism, or other potentially unsafe or unhealthy conditions.

3. Display windows, signage, exterior fixtures, and entrances shall be kept clean and maintained in good repair to prevent unauthorized entry, infestations, vandalism, other potentially unsafe or unhealthy conditions, or other negative effects on the property or the surrounding area. Boarding up of windows or entrances for a period exceeding two (2) weeks is prohibited unless authorized by the Compliance Agent. Signage frames, fixtures, casings, and any associated hardware/materials shall be kept in good repair and maintained intact. Extensions granted by the Compliance Agent shall be for a specified period of time.
 4. Fences. All fences on the premises shall be maintained so that they do not constitute a hazard, blight, or condition of disrepair. Examples of hazards, blight, or conditions of disrepair are inclusive of, but not limited to, leaning fences, fences that are missing slats or blocks, graffiti, or rotting or damaged materials.
 5. Alleys and passageways. All alleys and passageways shall be kept clean and free of debris by the property owner or designee. Adjacent properties are responsible for maintaining alleys and passageways to the center line of said alley or passageway unless under the sole control of one owner.
 6. Storage in yards. Yards shall not be used to store equipment, appliances, or building materials without screening from street view and without being in compliance with an approved use pursuant to the Maynard Protective Zoning By-laws. Front yard storage of these items is prohibited, however, this does not apply to merchandise for sale by the business carried out on the premises provided it is located in a properly zoned district. Screening does not relieve the property owner of the requirement to comply with the regulations of the Conservation Commission, the Protective Zoning By-laws, or any other appropriate board/agency.
 7. Overgrowth. No hedge, shrub, tree, or other vegetation shall overhang, extend, or protrude into any street, sidewalk, or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles. Nothing in this subsection relieves the property owner of the requirement to obtain, from the Conservation Commission or any other appropriate board/agency, all necessary permits/approvals for the removal of such vegetation.
 8. Vacant lots shall be free from any accumulation of noxious weeds, overgrowth, combustible or noncombustible materials, debris, refuse, rubbish or garbage, physical hazards, or rodent harborage and infestation.
- B.** Compliance with this By-law shall not relieve the owner of any obligations set forth in any other applicable state or local requirements, By-laws, regulations, codes, covenant conditions/ restrictions, and/or association rules and regulations. In case of a conflict with these rules and regulations, the most restrictive shall apply.

Section 4. Unsafe Buildings.

If the Building Commissioner determines the building to be unsafe, the Commissioner may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this By-law shall

abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, M.G. L. c. 139, § 1 et seq. and M.G.L. c. 143, § 6 et seq.

Section 5. Violations and Penalties; Compliance.

- A. Violations of any portions of this By-law shall be punishable by a fine of \$100 per violation, with each day the violation continues constituting a separate violation. However, the designated Compliance Agent may waive the fine in total or in part upon the abatement of the violation(s).
- B. The Compliance Agent or his/her designee shall enforce all provisions of this By-law and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this By-law shall receive written notice and a minimum of seven (7) days to remedy all violations prior to the institution of any Compliance action by the Compliance Agent. Said notice is to be served upon the owner(s) either in person, by registered mail, return receipt requested, or by posting said notice at the site of the violation. The Building Commissioner, acting on behalf of the Town of Maynard, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this By-law. This By-law may also be enforced through non-criminal disposition pursuant to M.G.L. c. 40, § 21D and in accordance with Chapter 15 of the Town By-laws.

Section 6. Compliance with Other Regulations.

Nothing herein shall prevent the Town of Maynard from enforcing other applicable sections of the Massachusetts State Building Code or other applicable sections of Massachusetts General Laws, including but not limited to M.G.L. c. 111 (Public Health), and c. 139, § 3A (recovery of abatement costs).

Section 7. Appeals.

Any person aggrieved by a decision issued hereunder may appeal said decision to the Maynard Board of Selectmen within thirty-one (31) days of said decision.

Section 8. Inspections.

The Compliance Agents, or their designees, shall have the authority to periodically inspect the exterior of any building subject to this By-law for compliance.

The Building Commissioner shall have the discretionary authority to seek immediate disconnection of utilities if a potential hazard that may be dangerous to life and limb is present, through authorities having jurisdiction.

Section 9. Severability.

If any provision of this By-law is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

SPONSORED BY: By-Law Committee
APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Finance Committee) This warrant article would “establish standards of minimum maintenance for the exteriors of commercial and industrial buildings and structures” for the purpose of “promoting economic vitality within the Town.”

The Finance Committee gathered information and perspectives from a broad range of stakeholders, including the Maynard Economic Development Committee (EDC), the Maynard Business Alliance (MBA) and other business leaders, and Town administration officials. As a result of this process, the Finance Committee finds that the By-law proposed in this warrant article would provide a more effective, streamlined, and fair process for addressing the negative effects of substandard, dangerous, or unsanitary conditions in commercial and industrial properties.

Comments: (Sponsor) The intent of this By-law is to provide a streamlined process to address the condition of commercial and industrial properties.

The proposed By-law was initiated in large part by feedback from residents and business owners desiring to improve the appearance of business and industrial areas in town. The Economic Development Committee drafted the By-law with public input.

Currently there are designated compliance agents for different departments. The proposed By-law utilizes existing staff to supplement the administrative portions required to begin the compliance process. This allows greater efficiency of the compliance agents' time and is anticipated to result in a more effective process.

**ARTICLE: 3 AMEND BY-LAWS, BY CREATING A NEW BY-LAW, CHAPTER
42 MUNICIPAL CHARGES LIEN**

To see if the town will vote to amend the Town By-laws by creating a new By-law, Chapter 42 Municipal Charges Lien as follows:

BY-LAW

CHAPTER 42

MUNICIPAL CHARGES LIEN

Section 1: Authority.

This By-law is adopted pursuant to the authority of G. L. c. 40, § 21 and G. L. c. 40, § 58, and any other relevant statutes and regulations.

Section 2: Purpose.

The purpose of this section is to establish a municipal charges lien program to provide a cost-effective method of collecting a charge, fine, penalty, and/or fee assessed against an owner of real property in the Town who fails and/or refuses to pay said charge or charges, fine or fines, penalty or penalties, and/or fee or fees when due, by placing a lien upon real estate owned by the

property owner.

Section 3: Applicability.

The municipal charges lien shall apply to the following municipal charges and/or fees: Charges, fines, penalties, and/or fees including interest and all costs to record said lien(s) in the Middlesex South Registry of Deeds for violations of the Minimum Property Standards of Commercial/Industrial Properties By-law, Chapter 41.

Section 4: Lien Takes Effect.

The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges, fines, penalties, and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

Section 5: Collection of the Lien.

- A. The Tax Collector shall be in charge of collecting the lien.
- B. The Treasurer who is the person responsible for collecting the charge, fine, or penalty shall notify the Assessors of all unpaid tickets that have not been paid or appealed to the court at the end of each month.
- C. The Assessor shall prepare a statement of Municipal Charges Lien for each person from the list(s) received from the Town Clerk or person responsible for collecting the charge, fine, or penalty and shall forward said statement of lien to the Tax Collector who shall cause said statement(s) to be recorded in the Middlesex South Registry of Deeds.

Section 6: Unpaid Municipal Charges Liens.

- A. If a charge, fine, penalty, or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next real estate tax bill to which it relates, and commit it with the warrant to the collector as part of the tax.
- B. If the property to which the charge, fine, penalty, and/or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.

Section 7: Release of the Lien.

The Municipal Charges Lien may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees constituting a lien, together with any interest and costs have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

To do or act thereon.

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

Comments: (Finance Committee) This warrant article would establish a “municipal charges lien program to provide a cost-effective method of collecting a charge, fine, penalty, and/or fee assessed against an owner of real property in the Town” in association with the proposed Minimum Property Standards By-law proposed in Warrant Article 2.

Town Meeting Voters should expect to cast the same vote—“Yes” or “No”—for Warrant Articles 2 and 3, since the municipal charges lien program proposed in Article 3 is required if Article 2 passes, but is irrelevant, if Article 2 fails.

Comments: (Sponsor) The purpose is to provide a municipal charges lien program for the enforcement of the Minimum Property Standards of Commercial and Industrial Properties By-law.

ARTICLE: 4 AMEND TOWN ZONING BY-LAW SECTION 3.1.2

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

- 1. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”**, to add and allow by Planning Board Special Permit (PB) the following use within the: “Industrial” (I) and “Health Care Industrial” (HCI) Zoning Districts: **Educational Institution, For-Profit.**

This will amend the Use Regulations Table as depicted below.

4. Business Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<i>Educational Institution, For-Profit</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>

To do or act thereon.

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

Comments: (Finance Committee) This warrant article would allow an additional use of “Educational Institution, For-Profit” in the Industrial and Health Care Industrial (HCI) (i.e., Mill and Main property) zoning districts. This use would not be allowed “by right,” but rather only by “special permit” granted by the Maynard Planning Board during a public hearing. As a result, the interests of the Maynard community are protected, while allowing a use that is consistent with other currently allowable uses and expanding the Town’s tax base.

Comments: (Sponsor) Currently the Zoning By-laws (ZBL) allow a “Non-Profit School” by right but do not allow a “For-Profit School” use in the “Industrial” (I) and the “Health Care Industrial” (HCI) zoning districts.

The Planning Board believes adding “For-Profit Educational Institutions” as an allowed use by Planning Board Special Permit in the “I” and “HCI” zoning districts will:

1. Provide flexibility for a clean use that is consistent with current uses allowed in the “I” and “HCI” zoning districts.
2. Create opportunities to expand the Town’s tax base.
3. Help cultivate life science, high-tech and other desirable research/educational industries.

ARTICLE: 5 DISPOSITION OF 12 BANCROFT STREET (COOLIDGE SCHOOL)

To see if the town will vote to change the use of a portion of the property at 12 Bancroft Street (the Coolidge School) from general municipal use to a property for sale and to authorize the Board of Selectmen to sell a portion of 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.

The property to be voted on is located on Assessor’s Map 20 and Lot 234, and the portion is as more fully set forth as Lot A in the diagram titled Coolidge School Conceptual Lot Layout dated August 20, 2019 and prepared by VHB, Inc. Lot A includes the Coolidge School building, as well as a small parcel of land adjacent thereto as may be adjusted by the Board of Selectmen. The Board of Selectmen may adjust by either increasing or decreasing the amount to be sold and adjust the specific portion of the property to be sold in order to accept the best proposal for the sale of the property.

To do or act thereon.

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

Comments: (Finance Committee) This warrant article would allow the Board of Selectmen to sell the Coolidge School (including a parcel of land, identified as “Lot A”) for development purposes, thereby decreasing expenses that the Town incurs to maintain the property and gaining for the Town much needed tax revenue.

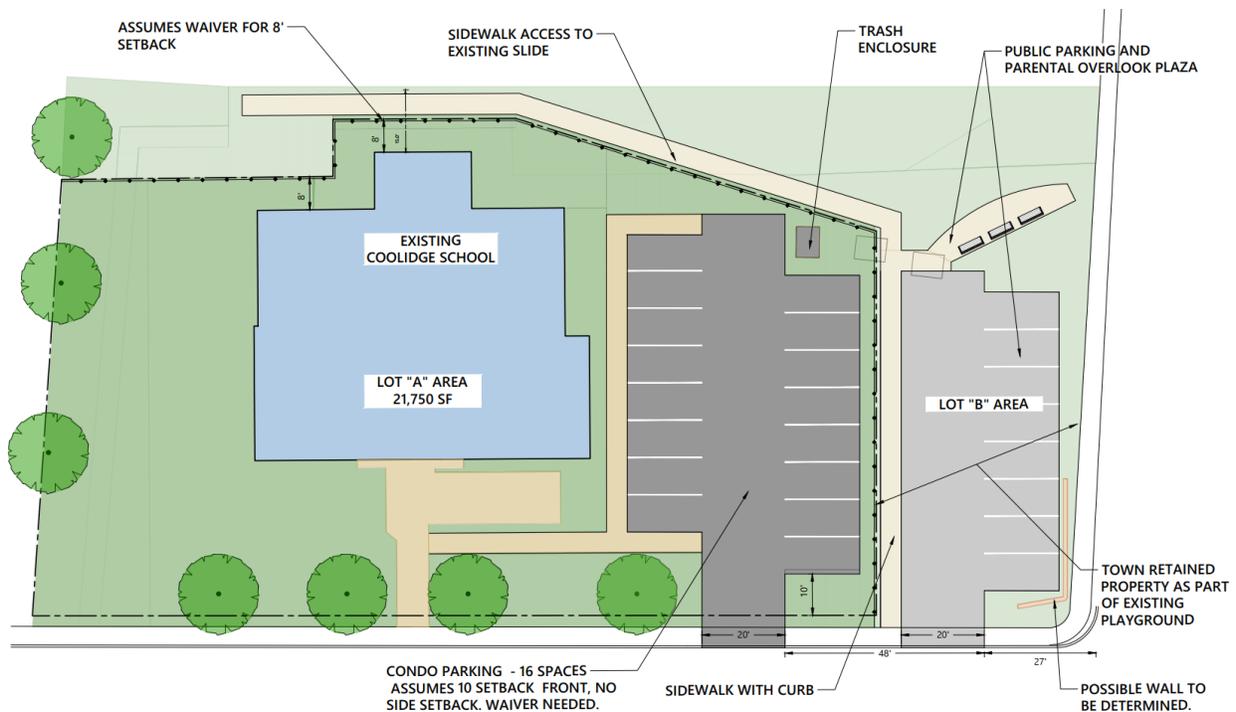
Lot A is designed to encourage preservation and development of the Coolidge School building while maintaining the sledding hill and other recreational resources of Coolidge Park. The warrant article also authorizes the Board of Selectmen to make adjustments to the boundaries and size of Lot A, as it finalizes the purchase/sale agreement with the developer, in order to accept the most advantageous proposal for the sale of the property.

The work of the current Coolidge School Working Group, as well as the previous Coolidge School Re-Use Task Force, has resulted in the issuance of a Request for Proposals (RFP), and passage of this warrant article is required to allow the Town dispose of the property.

Comments: (Sponsor) The portion to be sold is identified as Lot A in the diagram titled Coolidge School Conceptual Lot Layout dated August 20, 2019 and prepared by VHB, Inc. Lot A includes the Coolidge School building, as well as a small parcel of land surrounding the school (approximately 21,750 square feet, as drawn on the conceptual lot layout, although minor adjustments to the lot boundaries and total size may be made as the sale is finalized). The Coolidge School Conceptual Lot Layout drawing is on file with the Office of the Town Clerk or may also be found on the Maynard Town website at:

<https://www.townofmaynard-ma.gov/wp-content/uploads/2019/08/coolidge-layout-alt2-20190821.pdf>.

The remaining land, labeled lot B (which includes the sledding hill, sliding board built on the hill, playground, ballfield, basketball court, and a proposed public parking lot), shall remain under Town of Maynard ownership.



Note: This Conceptual Lot Layout is a portion of the plan on file.

ARTICLE: 6 CITIZENS' PETITION – WELCOMING TOWN REGULATION

To see if the Town will vote to recommend to the Board of Selectmen, that they adopt the following regulation with regard to the operations of the Town of Maynard Police Department:

PREAMBLE

APPROVING A GENERAL ORDER ON FEDERAL IMMIGRATION ENFORCEMENT AND RELATED MATTERS

The Board of Selectmen of the Town of Maynard (the “Board”), in consultation with the Maynard Police Chief (the “Chief”) and pursuant to authority granted under Massachusetts General Laws, c. 41, §97 relative to the making of suitable regulations governing the police department and the officers thereof, including for regulating the involvement of the Maynard Police Department (the “Department”) in the enforcement of federal immigration laws and related matters, hereby adopts the following regulation to be issued as a General Order of the Chief.

PURPOSE

The purpose of this regulation is to increase public confidence in Maynard law enforcement by providing guidelines associated with federal immigration enforcement, arrests, detentions, separation of families, and deportations.

WELCOMING REGULATION

It is not within the purview nor mandate of Maynard to enforce federal immigration law or seek the detention, transfer, or deportation of Maynard residents for civil immigration purposes, nor should town resources be expended toward that end. Under no circumstances shall a person be contacted, detained, or arrested by the Maynard Police Department solely based on immigration status, whether known or unknown.

The Department recognizes and values the diversity of the community it serves. The Town of Maynard and the Maynard Police Department are committed to promoting safety and providing proactive community policing services to all who are located in our community. All community members should know that they are encouraged to seek and obtain police assistance and protection regardless of their specific immigration and/or documentation status.

The Maynard Police Department relies upon the cooperation of all persons to achieve our important goals of protecting life and property, investigating and preventing crime, as well as resolving recurring neighborhood issues. Assistance from various immigrant populations is especially important when an immigrant, whether documented or not, is the victim or witness to a crime. It is essential that these individuals do not feel uncomfortable or intimidated in coming forward with the requisite information and general firsthand knowledge to aid in investigating a

particular crime. This type of mutual trust and cooperation is crucial in preventing and solving crime incidents, as well as maintaining public order, safety, and security in the entire community.

1. DEFINITIONS

“Customs and Border Protection” or “CBP” is the agency within the U.S. Department of Homeland Security with the primary responsibility of securing the nation’s borders.

“Immigration and Customs Enforcement” or “ICE” is the agency within the U.S. Department of Homeland Security with primary responsibility to investigate and enforce immigration law.

“ICE holds,” also known as “immigration holds,” “ICE detainers,” or “immigration detainers” are requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local law enforcement or courts to voluntarily maintain custody of an individual once that individual is released from local custody.

“Administrative warrant” means a warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document (I-200, I-203, I-205 or another listed in the National Crime Information Database (NCIC)) issued by a federal immigration official, not a judicial officer, and not based on a finding of probable cause for an alleged criminal law violation.

“Released from local custody” means an individual may be released from the custody of a law enforcement agency because any of the following conditions has occurred:

- a. All criminal charges against the individual have been dropped or dismissed;
- b. The individual has been acquitted of all criminal charges filed against him or her;
- c. The individual has served the time required for his or her sentence;
- d. The individual has posted a bail or bond, or has been released on his or her own recognizance;
- e. The individual has been referred to pre-trial diversion services;
- f. The individual has been sentenced to an alternative to incarceration, including a rehabilitation facility;
- g. The individual is otherwise eligible for release under state or local law.

“U.S.C. § 1373: Communication between government agencies and the Immigration and Naturalization Service” is as follows:

a. In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

b. Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from

doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

1. Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
2. Maintaining such information.
3. Exchanging such information with any other Federal, State, or local government entity.

c. Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information. (Pub. L. 104–208, div. C, title VI, § 642, Sept. 30, 1996, 110 Stat. 3009–707.)

2. RECOMMENDATIONS

- a. Equal treatment. All persons coming into contact with police officers or other personnel of the Department shall be afforded all of the civil and human rights and due process and equal protection safeguards available under the Constitution and laws of the United States, the Commonwealth of Massachusetts, and the Town of Maynard, and treaties of the United States, as applicable, irrespective of their immigration status. No officer or employee of the Department shall inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom the agency has contact, unless such information is required by law. A person's immigration status shall have no bearing on his or her treatment by officer or employees of the Department.
- b. ICE holds or administrative warrants. Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of the Department shall arrest or detain an individual solely on the basis of an immigration hold or administrative warrant. This includes extending length of custody by any amount of time once an individual is released from local custody.
- c. ICE notification requests. No officer or employee of the Department shall respond to any ICE notification request by providing any federal agent or agency information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release.
- d. ICE access to records or facilities. Unless ICE demonstrates a criminal warrant signed by a judge based on probable cause, no officer or employee of the Department shall allow ICE agents access to or use of facilities, records, databases, booking lists, or individuals in custody either in person or via telephone or videoconference.
- e. Individuals subject to ICE interventions. Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE shall be provided with a copy of the ICE request and any other documentation pertaining to their case that is presented to the law enforcement agency.

- f. U Visa Certification. In furtherance of the US Victims of Trafficking and Violence Prevention Act, the Department shall consider and sign a U Visa certification request if an individual is (i.) the victim of a qualifying crime, and (ii.) have been, are being, or will likely be helpful in the investigation/prosecution of that crime.
- g. Raids and other immigration enforcement actions. No officer or employee of any Maynard agency or department may participate in an operation led by a federal agency to detain persons for deportation purposes or otherwise use Maynard funds, resources, facilities, property, equipment, or personnel to assist in the enforcement of federal immigration law.
- h. Deputizing of local officials. To the extent permissible by law, no officer or employee of any Department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy, whether formal or informal.
- i. Compliance with federal law. Nothing in this Section shall be construed to violate any valid federal law, or to prohibit any Maynard agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.

3. COMPLAINTS

Allegations of violations of the present welcoming regulation and order shall be filed with the Maynard Board of Selectmen.

4. REPORTING

- a. The Department shall keep a record of all arrestees who have been the subject of an ICE detainer after arrest by the Maynard Police Department. Included in the record shall be the following:
 - i. The person's name.
 - ii. The charges or other grounds on which the person was arrested.
 - iii. Whether a decision was made not to proceed with prosecution and the person was released.
 - iv. The amount of bail set by the bail commissioner after arrest.
 - v. Whether the person was released from the Department after booking or whether he or she was transferred to court.
- b. Beginning upon passage of this regulation, the Maynard Police Chief shall submit a report, with the information detailed below, to the Town Clerk, forward to the Board of Selectmen, docket said report, and include the docket on the agenda of the next occurring meeting of the Board of Selectmen.
 - i. The total number of ICE holds, administrative warrants, and notification requests lodged with Maynard law enforcement officials, organized by the reasons(s) given the request;
 - ii. The total number of individuals detained on an ICE hold or administrative warrant, if any;

- iii. The total number of individuals transferred to ICE custody, if any; and
- iv. The total reimbursements received from the federal government pursuant to any granted hold, administrative warrant, or notification request, organized by case.
- c. The Department shall provide a copy of this regulation to all police officers employed by the Maynard Police Department.

5. REGULATION

- a. The provisions of this regulation shall be effective immediately upon approval.
- b. All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this regulation shall be promptly developed and promulgated by the Town of Maynard, the Maynard Police Department, and all other relevant entities.
- c. Nothing in this regulation shall prohibit or restrain any law enforcement officer, or any Town employee or agent from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373.

6. SEVERABILITY CLAUSE

- a. If any section, subsection, paragraph, sentence, clause, or phrase of this regulation is declared unconstitutional or invalid for any reason, such a decision shall not affect the validity of the remaining parts of this regulation.

To do or act thereon.

SPONSORED BY: Citizen Petition
 APPROPRIATION: None
 FINCOM RECOMMENDATION: At Town Meeting

Comments: (Finance Committee) At Town Meeting

Comments: (Sponsor) “Maynard is a strong community comprised of diverse individuals. At this time there is no current police policy in Town that specifically aims at protecting undocumented members of our community when interacting with local law enforcement.

From a public safety standpoint, assistance from various immigrant populations is especially important when an immigrant, whether documented or not, is the victim or witness to a crime. It is essential that these individuals do not feel uncomfortable or intimidated in coming forward with the requisite information and general firsthand knowledge to aid in investigating a particular crime. This type of mutual trust and cooperation is crucial in preventing and solving crime incidents, as well as maintaining public order, safety, and security in the entire community.

To this end, accepting this article will recommend that the Board of Selectmen adopt a policy regarding the protection of ALL citizens when interacting with Federal Agencies.”

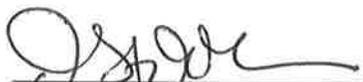
Given under our hands this *17* day of September in the year of Two Thousand and Nineteen.



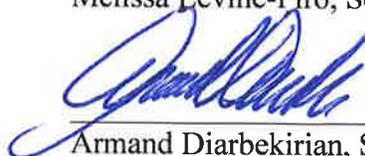
Chris DiSilva, Selectman



Melissa Levine-Piro, Selectman



Justine St. John, Selectman

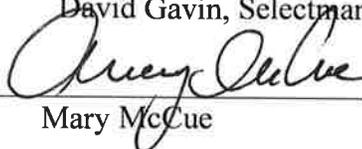


Armand Diarbekirian, Selectman



David Gavin, Selectman

A true copy, Attest



Mary McCue

Constable of Maynard.