

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, March 20, 2017
-Subject to Change-
SNOWDATE: Tuesday, March 21, 2017**

Topics may start earlier than specified, unless there is a hearing scheduled

Meeting Being Taped

Votes May Be Taken

1. 7:00 Approve Selectmen minutes of March 13, 2017
2. 7:00 Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment
3. 7:01 Personnel Board - Appointments
 - Joshua Hoffman, Police Sergeant, Grade S, Step 1, 27.98/hr effective March 26, 2017
 - Peter Lapachinski, Police Detective, Grade Detective, Step 3, \$25.22/hr + incentive pay, effective March 26, 2017
 - Jamal Holland, Police Officer, Grade Patrol, Step 1, \$21.51/hr + incentive pay, Effective April 2, 2017
4. 7:08 Walter Ramsey, Town Planner
 - Burn Dump Capping Project- Update
 - Re-execute agreement for professional services with Mashantucket Pequot Museum and Research Center authorized 2/13/2017 to incorporate minor changes to terms
5. 7:25 Town Administrators Report
 - Town Meeting Warrant – To consider articles for inclusion on the Annual Town Meeting warrant, draft warrant attached hereto
 - Topics not anticipated in the 48 hour posting requirements

OTHER

The next regularly scheduled Selectmen's Meeting will be held on Monday, March 27, 2017 at 7:00 p.m. at the Montague Town Hall, 1 Avenue A, Turners Falls, MA

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**ANNUAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
May 6, 2017
DRAFT**

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet in the Turners Falls High School Theater on Saturday, May 6, 2017, at 9:00 A.M. and to act on the following articles and any motions which may be presented.

ARTICLE 1: To see if the Town will vote to receive and act upon the reports of the Officers of the Town and to receive the report of any committees and act thereon.

ARTICLE 2: To see if the Town will vote to authorize the Board of Selectmen, or other Town departments with the approval of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts, or any other source, and to expend the same for purposes received without further appropriation, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 3: To see if the Town will vote in accordance with Massachusetts General Law Chapter 44, Section 53E ½, as amended, to reauthorize a revolving fund for the Hazardous Materials Response Planning Committee (a.k.a. the SARA Title III Committee) into which fund will be placed the fees collected from individuals responsible for oil and hazardous material spills, and to further authorize the SARA Title III Committee to expend up to a maximum of \$7,500 for the fiscal year beginning July 1, 2017 from the Revolving Fund for the purpose of cleaning up oil and hazardous material spills, or pass any vote or votes in relation thereto.

(Emergency Management Director Request)

ARTICLE 4: To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2017, as set forth in Schedule I, Elected Officials, a copy of which is on file in the Office of the Town Clerk, or pass any vote or votes in relation thereto.

ARTICLE 5: To see if the Town will vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2017, Appointed Officials, a copy of which is on file in the Office of the Town Clerk or pass any vote or votes in relation thereto.

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of **\$9,007,396**, or any other amount, for the maintenance of the several departments of the Town, said sums to be allocated in accordance Schedule III, Budget, a copy of which is on file in the Office of the Town Clerk, and for any other necessary changes, or pass any vote or votes in relation thereto.

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,379,014 or any other amount, for the purpose of operating the Water Pollution Control Facility and associated pumping stations, said sums to be allocated in accordance Schedule IV, WPCF Budget, a copy of which is on file in the Office of the Town Clerk, or pass any vote or votes in relation thereto.

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ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$97,525, or any other amount, for the purpose of funding the operations, maintenance, and debt service of the Colle Building, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$49,925, or any other amount, for the purpose of operating the Turners Falls Airport, or pass any vote or votes in relation thereto.

(Airport Commission Request)

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$747,340, or any other amount, for the purpose of paying the Franklin County Technical School District for Montague's share of the assessment for the yearly operation of the Franklin County Technical School, or pass any vote or votes in relation thereto.

(Franklin County Technical School Request)

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$9,356,560, or any other amount, for the purpose of paying the Gill-Montague Regional School District for Montague's share of the assessment for the yearly operation of the Gill-Montague Regional Schools, or pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$80,000, or any other amount, for the purpose of upgrading the electrical service and panels at Hillcrest Elementary School, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of replacing two water heaters at Sheffield Elementary School, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$35,000, or any other amount, for valve automation, relocation of VFD's, and complete SCADA Alarm system, including any and all incidental and related costs, or to pass any vote or votes in relation to.

(WPCF Request)

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$85,000, or any other amount, for the purpose of conducting a Feasibility Study: Final Clarifier Upgrade/Raw Influent Bypass, or to pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$200,000, or any other amount, for the purpose of increasing the WPCF Capital Stabilization Fund, or to pass any vote or votes in relation thereto.

(WPCF Request)

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ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000, or any other amount, for the purpose of purchasing and equipping and making major repairs to WPCF vehicles and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 18 To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$120,000, or any other amount, for the purpose of funding pilot testing of the Montague Sludge Reduction Project, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 19 To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$48,500, or any other amount, for the purpose of purchasing a utility truck for the WPCF, including any and all incidental and related costs , or to pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of replacing a boiler in the WPCF Operations Building, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of increasing the WPCF Stabilization Fund, or to pass any vote or votes in relation thereto.

(WPCF Request placeholder)

ARTICLE 22: To see if the Town will vote to authorize the Board of Selectmen, the Board of Assessors and/or the Town Administrator to negotiate the terms of an agreement for the payment in lieu of taxes known as a "Tax Agreement" with FirstLight Hydro Generating Co. pursuant to M.G.L. Chapter 59 Section 38H(b) and to approve said Tax Agreement between FirstLight Hydro Generating Co. and the Town of Montague, or to pass any vote or votes in relation thereto.

(Board of Assessors Request)

ARTICLE 23: To see if the Town will vote to authorize the Selectboard to enter into a ground lease agreement with Kearsarge Solar LLC for period of up to 25 years for the purpose of allowing construction and operation of a solar generation system of approximately 5.997 megawatts (DC) on property owned by the Town of Montague identified as Assessors Parcels 13-0-68, 20-0-27, 21-0-006, 21-0-007, and 21-0-024, or to pass any vote or votes in relation thereto.

(Planning and Conservation Request)

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen, the Board of Assessors and/or the Town Administrator to negotiate the terms of an agreement for the payment in lieu of taxes known as a "Tax Agreement" with Kearsarge Solar LLC pursuant to M.G.L. Chapter 59 Section 38H(b) and to approve said Tax Agreement between Kearsarge Solar LLC and the Town of Montague, or to pass any vote or votes in relation thereto.

(Board of Assessors Request)

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ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$5,000, or any other amount, for the purpose of purchasing and installing an air exchange ventilation system in the Carnegie Library, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Libraries Request)

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$30,000, or any other amount, for the purpose of replacing or repairing roofing and trim repair at the Carnegie Library, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Libraries Request)

ARTICLE 27: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000 for a Building Assessment Study of the Carnegie, Millers Falls, and Montague Center Libraries, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Libraries Request)

ARTICLE 28: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$3,500, or any other amount, for the purpose of installing chain link fence in the outfield of Highland Park, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Parks & Recreation Commission Request)

ARTICLE 29: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of re-sealing and re-painting the walkways within the Unity Park Playground, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Parks & Recreation Commission Request)

ARTICLE 30: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$385,000, or any other amount, for the purpose of lining, cleaning and inspection of sewers and GIS sewer layer development, including any and all incidental and related costs, or to ass any vote in relation thereto.

(Department of Public Works Request)

ARTICLE 31: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of purchasing, equipping, and making major repairs to DPW vehicles and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 32: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$110,000, or any other amount, for the purpose of buying a new flail mower, also known as an over the rail mower, and any equipment related thereto, including any and all incidental and related costs, or to pass any vote or votes in relation to.

(Department of Public Works Request)

ARTICLE 33: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$76,000, or any other amount, for the purpose of purchasing a new one ton dump truck with plow, including any and all incidental and related costs, or to pass any vote or votes in relation to.

(Department of Public Works Request)

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ARTICLE 34: To see if the Town will vote to amend the classification plan by adding the position of Transfer Station Attendant at Grade A, or to pass any vote or votes in relation thereto.

(Selectmen Request)

ARTICLE 35: To see if the Town will vote to amend the classification plan by adding the position of Group Leader of Grounds Maintenance at **Grade D**, or to pass any vote or votes in relation thereto.

(Selectmen Request)

ARTICLE 36: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$65,000, or any other amount, to improve a section of Dry Hill Cross Road from its intersection with East Chestnut Hill Road to the power lines for the purpose of establishing vehicular access to the Dry Hill Cemetery. This request includes any further improvements to Dry Hill Road from the intersection of Dry Hill Cross Road to the Cemetery, such as a parking turnaround that may be required for future annual maintenance of the cemetery or Dry Hill Road, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Cemetery Commission Request)

ARTICLE 37: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of purchasing police equipment such as firearms and accessories, computers and accessories, police cruiser equipment, department furniture, bullet-proof vests, tasers, radios or any similar items as well as extraordinary repairs to same, or to pass any vote or votes in relation thereto.

(Police Chief Request)

ARTICLE 38: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of funding information technology equipment, parts, accessories, software and installations, or pass any vote or votes in relation thereto.

(IT Administrator Request)

ARTICLE 39: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$5,000, or any other amount, for the purpose of funding the purchase of a new Town Website, including the purchase, installation training, and any and all incidental and related costs, or pass any vote or votes in relation thereto.

(IT Administrator Request)

ARTICLE 40: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$52,395, or any other amount, for the purpose of increasing the Town General Stabilization Fund, or to pass any vote or votes in relation thereto

(Finance Committee Request)

ARTICLE 41: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$34,930, or any other amount, for the purpose of increasing the Town Capital Stabilization Fund, or to pass any vote or votes in relation thereto.

(Finance Committee Request)

ARTICLE 42: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$23,792, or any other amount, for the purpose of increasing the FCTS Stabilization Fund, or to pass any vote or votes in relation thereto.

(Finance Committee Request)

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ARTICLE 43: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000, or any other amount, for the purpose of increasing the Town OPEB Trust Fund, or to pass any vote or votes in relation thereto.

(Finance Committee Request)

ARTICLE 44: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of increasing the Henry Waidlich Conservation Fund, or to pass any vote or votes in relation thereto.

(Conservation Commission Request)

ARTICLE 45: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$4,500, or any other amount, for the purpose of purchasing and installing a Public Records software and database package for the Town Clerk's office, including the payment of all costs incidental or related thereto, or to pass any vote or votes in relation thereto.

(Town Clerk Request)

ARTICLE 46: To see if the Town will vote to amend Article II Section 6 of the By-Laws of the Town of Montague, relating to the Capital Improvements Committee, by changing "five additional members" to "four additional members" or to pass any vote or votes in relation thereto.

(CIC Request 3-8-17)

ARTICLE 47: Central Business District Alcohol Licenses

To see if the Town will vote to authorize the Board of Selectmen to file a Home Rule petition with the General Court for special legislation to expand the Town's quota for liquor licenses as set forth in the proposed petition below; provided, however, that the General Court may make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the public purposes of the petition.

The text of the petition shall be substantially as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same, as follows:

Section 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Montague may grant three (3) additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of General Laws chapter 138, which licenses shall be located only within the Town's Central Business District, as that district is defined under the Town's Zoning Map, as it existed as of May 6, 2017 (the "Central Business District"), upon approval of and under conditions set by the licensing authority of the Town. The licenses shall be subject to all of said chapter 138 except said section 17.

The licensing authority shall not approve the transfer of any license issued pursuant to this special act to any location other than a location within the Central Business District; but it may grant the license to a new applicant for a location within the Central Business District; provided, however, that the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If any license granted pursuant to this special act 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 which may then grant the license to a new applicant but only for a location within the Central Business District and under the same conditions as specified in this act.

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ARTICLE 48: To see if the Town will vote to adopt Designer Review Standards, or to pass any vote or votes in relation thereto.

(Selectmen Request)

ARTICLE 49: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,500, or any other amount, for the purpose of community building activities in Millers Falls, or to pass any vote or votes in relation thereto.

(Petitioned article)

ARTICLE 50: To see if the Town will vote to adopt the following, or to pass any vote or votes in relation thereto.

Resolution Supporting State and Federal Legislation to Provide Greater Transparency in Political Donations and Limit the Influence of Money in Politics

WHEREAS, recent changes in funding and disclosure rules for national, state and local political elections have degraded the goals of the democratic process; and

WHEREAS, a recent decision by the Massachusetts Office of Campaign and Political Finance (OCPF) now allows an infusion of previously prohibited out-of-state money to influence local and state elections, new legislation is now required to prohibit such funding from circumventing Massachusetts state law; and

WHEREAS, in an effort to restore voter confidence in our democracy, a grassroots movement known as "Represent.Us" is working for legislative reforms to reduce the opportunity for corruption within the political system in our country by supporting a legislative reform bill known as the "American Anti-Corruption Act" (the Act); and

WHEREAS, the Act targets bribery by preventing lobbyists from donating to politicians and influencing policymaking; ends secret money by mandating full transparency; enables citizens to fund elections; closes the revolving door between Congress and lobbying firms; and enhances the power of the Federal Election Commission; and

WHEREAS, this national organization's local chapter, Represent.US Western Mass, sought and promoted an advisory referendum; specifically in the Hampshire/Franklin State Senate District (currently held by Stan Rosenberg) to build support for this initiative; and

WHEREAS, on November 4, 2014, the citizens of the above mentioned district were given the opportunity to be heard on this topic through the above advisory referendum where the question received 84 percent aggregate support across the entire district, and

NOW, THEREFORE, BE IT RESOLVED by the citizens of the Town of MONTAGUE, Massachusetts that we support tough new anti-corruption laws to close loopholes in Massachusetts' campaign finance regulations that currently allows unregulated out-of-state money to infiltrate state and local elections; and we support the goals outlined in the American Anti-Corruption Act to remove the corrupting influence of money on our political system. The Act prohibits politicians from taking campaign money from special interest groups including private industries and unions; increases transparency for campaign funding; empowers all voters through a tax rebate voucher to contribute to the candidates they support; prohibits representatives and senior staff from all lobbying activity for five years once they leave office; and places limits on superPACs.

BE IT FURTHER RESOLVED that the citizens of the Town of Montague implore our elected representatives in Boston, State Senator Rosenberg and Representative Kulik and in Washington, Senator Edward Markey and Senator Elizabeth Warren and Representative McGovern (or their successors) to lead this effort to enact these initiatives in Massachusetts and in the U.S. Congress.

BE IT FURTHER RESOLVED that the Clerk of the Town of MONTAGUE is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of them.

(Petitioned Article)

ARTICLE 51: To see if the Town will vote to instruct the Town of Montague counsel to file the necessary documentation with the Commonwealth of Massachusetts to complete the Municipal Light Plant

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process using the Greenfield Community Energy & Technology as its model for Montague's Municipal Light Plant, or to pass any vote or votes in relation thereto.

(Petitioned article)

ARTICLE 52: To see if the Town will vote to adopt the following, or pass any vote or votes in relation thereto.

WHEREAS, The Town of Montague seeks to ensure that all immigrants are able to fully participate in the civic and economic life of their neighborhoods and nurture and grow the spirit of unity in our Town ; and

WHEREAS, The Town of Montague desires to provide opportunity, access, and equality for immigrants, and highlight the essential role immigrants have played and continue to play in moving the Town of Montague forward; and

WHEREAS, The federal government's Immigration and Customs Enforcement ("ICE") Secure Communities program uses local law enforcement data to identify suspected "criminal aliens" in local custody; and

WHEREAS, ICE issues civil immigration detainer requests which allow for prolonged detention during which ICE investigates the immigration status of suspected "criminal aliens" in local custody; and

WHEREAS, In other jurisdictions, honoring civil immigration detainer requests based on less than probable cause has been ruled a violation of the Fourth Amendment, exposing local law enforcement agencies to liability under 42 U.S.C. § 1983; and

WHEREAS, When local law enforcement officials indiscriminately honor all ICE civil immigration detainer requests, including those that target non-criminal aliens, immigrant residents are less likely to cooperate and public trust erodes, hindering the ability and effectiveness of Montague's police force; and

WHEREAS, A local Trust Act is necessary to establish the Town of Montague's policy for responding to ICE's civil immigration detainer requests;

NOW THEREFORE,

Be it ordained by the Town of Montague , as follows:

Section 1.

Definitions.

(a) "Civil immigration detainer request" means a non-mandatory request issued by an authorized federal immigration officer under Section

287.7 of Title 8 of the Code of Federal Regulations to a local law enforcement official to maintain custody of an individual for a period not to exceed forty-eight (48) hours, excluding Saturdays, Sundays, and holidays, and advise the authorized federal immigration officer prior to the release of that individual.

(b) "Convicted" means a state of having been proved guilty in a judicial proceeding, unless the conviction has been expunged or vacated pursuant to applicable law.

(c) "Eligible for release from custody" means that the individual may be released from custody because any of the following conditions has occurred:

(1) All criminal charges against the individual have been dropped or dismissed;

(2) The individual has been acquitted of all criminal charges filed against him or her;

(3) The individual has served all the time required for his or her sentence;

(4) The individual has posted a bond, or has been released on his or her own recognizance;

(5) The individual has been referred to pre-trial diversion services;

(6) The individual is otherwise eligible for release under state or local law.

(d) "Law enforcement official" means any Town of Montague department, or officer or employee of a Town of Montague department, authorized to enforce criminal statutes, regulations, or local ordinances; operate jails or maintain custody of individuals in jails; and operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.

Section 2.

(a) Except as provided in subsection (b), a law enforcement official shall not detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody.

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(b) Law enforcement officials may continue to detain an individual in response to a civil immigration detainer request for up to forty-eight (48) hours after that individual becomes eligible for release from custody, excluding Saturdays, Sundays, and holidays, if the individual meets any of the following criteria:

(1) ICE has a criminal warrant for the individual;

(2) The individual has ever been convicted of a violent crime as defined in Massachusetts General Laws Chapter 140, Section 121;

(3) In the past ten (10) years, the individual has been convicted of a felony as defined in Massachusetts General Laws Chapter 274, Section 1;

(4) The individual is a current registrant on the Massachusetts Sex Offender Registry;

(5) The individual is identified in the federal government's consolidated Terrorist Watchlist.

(c) Law enforcement officials shall make good faith efforts to seek federal reimbursement for all costs incurred in continuing to detain an individual pursuant to this Section.

Section 3.

Reporting.

Beginning no later than December 31, 2017, and no later than December 31 of each subsequent year, the Town of Montague's Police Chief shall submit a report to the Clerk of the Town of Montague, and the Clerk shall forward the report to the Town of Montague Board of Selectmen and shall docket the report and include the docket on the agenda of the next-occurring meeting of the Town of Montague Board of Selectmen.

The report shall include the following information for the preceding twelve (12) month period:

(a) A statistical breakdown of the total number of civil immigration detainer requests lodged with the Town's law enforcement officials, organized by the reason(s) given for the request;

(b) A statistical breakdown of the total number of individuals that Town of Montague's law enforcement officials detained pursuant to Section 2(b), organized by the reason(s) supporting the detention;

(c) The total number of individuals transferred to ICE custody; and

(d) A statistical breakdown of the total cost reimbursements received from the federal government pursuant to Section 2(c), organized by individual case.

Section 4.

The provisions of this ordinance shall be effective immediately upon passage.

(Petitioned Article)

Given under our hands this ____ day of April in the Year of Our Lord Two Thousand and Seventeen.

Michael Nelson, Chairman

Christopher M. Boutwell, Sr.

Richard Kuklewicz
Selectmen, Town of Montague

Franklin, ss Montague, MA April , 2017

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, and the Town Hall of the Town of Montague at least seven days before said meeting as within directed.

Constable of Montague

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