

AGENDA
SELECT BOARD
July 26, 2022
7:00 p.m.
Town Building & Zoom

The public may attend the Select Board meeting in person or may participate via remote Zoom access

Join Zoom Meeting

<https://us06web.zoom.us/j/87310784202?pwd=UDRhMTh0aXZlakhWWhVcElEZUxMQT09>

Meeting ID: 873 1078 4202

Passcode: 022139

1. Public Comment
2. Board Members Comments
3. Town Administrator's Report
4. Appointments
 - Jonathan Foster to the position of Call Firefighter/EMT through June 30, 2023
 - Matthew McNulty to the position of Full-Time Firefighter/EMT through June 30, 2023
5. Discussion and Possible Vote
 - Approve the State Primary and Special Town Election Warrants
 - Assign the number of police officers for the September 6, 2022 election
 - Delegate authority pursuant to Chapter 92, Section 72 of the act of 2022 to detail a sufficient number of police officers at every election to the Chief of Police.
 - Update to Police Department Policy 1.15 Handling Juveniles – Chief Michael Sallese
 - Approve a new Common Victualler License for Stow Brook Gulf d/b/a Mug & Muffin, 626 Great Road
 - Green Advisory Committee to present proposal to eliminate use of fossil fuels in municipal buildings
 - Permit for the 2022 Ride to Defeat ALS Bike Ride, Sunday, September 18, 2022
 - Board and Committee Code of Conduct Policy
 - Vote to designate members of the Randall Library Building Exterior Design Committee as Special Municipal Employees
6. Meeting minutes
 - July 12, 2022
7. Correspondence
8. Adjournment

Posted Friday, 7/22/2022
11:30 a.m.

APPOINTMENTS



Denise M. Dembowski
Town Administrator
townadministrator@stow-ma.gov

Town of Stow
Office of the
Town Administrator

380 Great Road
Stow, MA 01775
Tel: 978-897-2927

I am pleased to recommend Jonathan Foster to be appointed as a Call Firefighter/EMT.

Jonathan comes highly recommended by the Fire Chief and Assistant Town Administrator. He is certified Firefighter I/II and should be able to easily adapt to the Stow Fire Department.

Jonathan's experience makes him a great choice to join our department as a Call Firefighter/EMT and I respectfully ask for your ratification of the recommendation.

Denise M Dembowski



STOW FIRE DEPARTMENT

511 Great Road
Stow, Massachusetts 01775

Phone (978) 897-4537

Fax (978) 461-1400

Firechief@stow-ma.gov

John P Benoit
Fire Chief

July 12, 2022

Town Administrator
Denise Dembkoski
380 Great Rd.
Stow, MA 01775

Denise,

I respectfully request your recommendation to appoint Jonathon Foster to the Position of Call Firefighter with the Stow Fire Department. Jonathon is a certified Firefighter I/II and paramedic which will afford him the opportunity to adapt quickly and fill a much-needed void in our Per-Diem staffing.

Please let me know if you require any other information regarding this candidate.

Respectfully,



John P Benoit
Fire Chief



Denise M. Dembowski
Town Administrator
townadministrator@stow-ma.gov

Town of Stow
Office of the
Town Administrator

380 Great Road
Stow, MA 01775
Tel: 978-897-2927

I am pleased to recommend Matthew McNulty to be appointed as a full-time Firefighter.

Matt comes highly recommended by the Fire Chief and Assistant Town Administrator. He lives nearby, and has been an active call firefighter, responding regularly and averaging more than 50 hours a week.

Matt is Firefighter ½ certified and is a certified Emergency Medical Technician

I think Matt will make a seamless transition from call firefighter to full-time firefighter and I respectfully ask for your ratification of the recommendation.

Denise M Dembowski



STOW FIRE DEPARTMENT

511 Great Road
Stow, Massachusetts 01775
Phone (978) 897-4537
Fax (978) 461-1400
Firechief@stow-ma.gov

John P Benoit
Fire Chief

July 20, 2022

Denise Dembkoski
Town Administrator
380 Great Road
Stow, MA 01775

Denise,

We recommend Matthew McNulty to the Select Board for appointment as Full-Time Firefighter/EMT to fill the vacancy made by the resignation of Judson Swinimer. Matthew was appointed to the department in April of 2019 and has been a very active and engaged member of the Stow Fire Department responding to incidents and working shifts as a Per-Diem Firefighter/EMT. Mathew's work experience in conjunction with his fire/EMS knowledge, problem solving, strategies and training afforded him an edge over the other candidates.

We are confident that Matthew will be a good fit for the organization today and in the future.

Respectfully Submitted,

John P Benoit
Fire Chief

DISCUSSION & POSSIBLE VOTE

Approve the State Primary and
Special Town Election Warrants

Assign the Number of
Police Officers for the
September 6, 2022 Election

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH



SS.

To the Constable or Town Clerk of the Town of Stow

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Primaries to vote at:

Precinct 1 & 2
The Center School, 403 Great Road, Stow

on **TUESDAY, THE SIXTH DAY OF SEPTEMBER, 2022**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

GOVERNOR	FOR THIS COMMONWEALTH
LIEUTENANT GOVERNOR	FOR THIS COMMONWEALTH
ATTORNEY GENERAL	FOR THIS COMMONWEALTH
SECRETARY OF STATE	FOR THIS COMMONWEALTH
TREASURER	FOR THIS COMMONWEALTH
AUDITOR	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS	THIRD DISTRICT
COUNCILLOR	THIRD DISTRICT
SENATOR IN GENERAL COURT	MIDDLESEX & WORCESTER DISTRICT
REPRESENTATIVE IN GENERAL COURT	THIRD MIDDLESEX DISTRICT
DISTRICT ATTORNEY	NORTHERN DISTRICT
SHERRIF	MIDDLESEX COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 26th day of July, 2022.

Select Board of Stow

Posted in the 8 Usual Places

Stow Town Building	Stow Post Office	Buscemi's Liquors of Stow
Stow Police Station	Randall Library	Hudson Road Auto
Stow Fire Station		H.H. Warren Insurance Agency

Method of Service of Warrant

_____, 2022.
Constable or Town Clerk (month and day)

COMMONWEALTH OF MASSACHUSETTS

TOWN OF STOW



SS.

To the Constable or the Town Clerk of the Town of Stow

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the Special Town Election to vote at:

**Precincts 1 and 2
The Center School, 403 Great Road, Stow**

On **TUESDAY, THE SIXTH DAY OF SEPTEMBER, 2022**, from 7:00 A.M. to 8:00 P.M.
for the following purpose:

To cast their votes in the Special Town Election for the following office:

Select Board - one member for an unexpired three year term, expiring May 2024

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 26th day of July, 2022.

Select Board of the Town of Stow

Method of Service of Warrant
Posted in the 8 Usual Places

Stow Town Building
Stow Police Station
Stow Fire Station

Stow Post Office
Randall Library

Buscemi's Liquors of Stow
Hudson Road Auto
H.H. Warren Insurance Agency

Constable or Town Clerk

_____, 2022
Date

Delegate authority pursuant to
Ch. 92 §72 of the Act of 2022 to
the Chief of Police



Town of Stow
Office of the
Town Administrator

380 Great Road
Stow, MA 01775
Tel: 978-897-2927

Denise M. Dembkoski
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
assttownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembkoski, Town Administrator

Re: Officers at Polling Locations

Date: July 18, 2022

In light of the new "VOTES Act" law that was recently implemented and the new requirement that the Select Board be the one to assign the number of police officers per polling location, I am asking the Select Board to delegate that authority to the Police Chief, in consultation with the Town Clerk.

Based on language supported by KP Law, I am asking the Board to "delegate the authority given to you in Chapter 92, Section 72 of the act of 2022 to detail a sufficient number of police officers or constables for each building that contains the polling places for one or more precincts at every election therein to preserve order and to protect the election officers and supervisors from interference with their duties and to aid in enforcing the laws relating to elections to the Chief of Police."

I am confident that our police Chief and Town Clerk will work together, as they have always done, to establish the proper number of officers needed to keep the voters and the sanctity of our elections safe.

I appreciate your consideration of my request and look forward to discussing it further. Thank you.



Town of Stow
POLICE DEPARTMENT

305 Great Road
Stow, Massachusetts 01775

(978) 897-4545
FAX (978) 897-3692

Michael Sallese
Chief of Police

July 12, 2022

Select Board
380 Great Road
Stow, MA 01775

RE: Officers at Polling Locations

On June 22, 2022, an election reform law titled "The VOTES Act" was signed into law. Part of the new law addresses Police Officer assignments.

"Effective immediately, the law regarding assignment of police officers at polling places is amended to require the board of selectmen, town council, or city council to assign police officers and constables to polling places. Previously, this was the responsibility of the chief of police."

In the past, the Town Clerk and I have evaluated the number of officers based on the expected turnout, potential campaigning that will be held outside of the polling locations, and if the school (a polling location) will be open to students or not.

For the upcoming Primary in September and November Election, schools will be closed. Based on the Clerk's anticipated turn out, we are recommending at this time that one police officer be assigned to the polling location, with the option to hire more officers if the Town Clerk or Police Chief deem it to be necessary based on changing political environments.

Respectfully Submitted,

Michael Sallese, Chief of Police

Linda Hathaway, Town Clerk

Update to Police Department Policy 1.15 – Handling Juveniles

Chief Michael Sallese



**Town of Stow
POLICE DEPARTMENT**

305 Great Road
Stow, Massachusetts 01775

(978) 897-4545
FAX (978) 897-3692

**Michael Sallese
Chief of Police**

July 11, 2022

**Select Board
380 Great Road
Stow, MA 01775**

RE: Policy 1.15 Handling Juveniles

Continuing to update our policies and ensuring all community members are treated with the respect they deserve; I am submitting an updated policy on Handling Juveniles to the Select Board.

This is an update to the existing policy with updated guidance on how officers will be handling juveniles including de-escalation techniques as well as alternatives to the juvenile justice system. I have included the new policy, a summary page of the updates, and the old policy for your review.

I respectfully request the Select Board approve this update as presented. A copy of the new policy was presented to the Police and Dispatch Union on June 29, 2022. The Union reported having no concerns or issues with the update.

Respectfully Submitted,

Michael Sallese, Chief of Police

Updated Info in policy

I. GENERAL CONSIDERATIONS AND GUIDELINES

The State Legislature has rescinded the law formerly referred to as CHINS (Children in Need of Services) and replaced with numerous provisions concerning Children Requiring Assistance. Rather than arresting certain young persons, the Police may place them in "custodial protection", but not handcuff, shackle or even bring them to the Police Station. Until the legislature or a court clarifies certain provisions of the new law, the Department will do its best to interpret and comply with the spirit of the legislation, which is clearly aimed at further separating certain so-called "status offenders" from the stigmatizing effects of certain aspects of the criminal justice system.

II POLICY

6. The Department shall implement all the suggested guidelines as promulgated by the Massachusetts Peace Officer Standards and Training Commission on June 30, 2021 titled "Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children " and incorporated in this policy in Sections C-F. [Amended 6/30/21]

III DEFINITIONS

The following Definitions have been changed A, B, C, E, H, I

IV. PROCEDURE

The following sections were changed

A, B, C, D added, E added, F added, G added, H-2, H-3,

E changed to Title V

F changed to Title VI

G changed to Title VII

Added 6 and 7 to Title VII

Added IX New state statues of interest pertaining to Juveniles

HANDLING JUVENILES

STOW POLICE DEPARTMENT POLICY & PROCEDURE NO. 1.15	ISSUE DATE:
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 44.1.1; 44.2.1; 44.2.2; 44.2.3; 44.2.4; 44.2.5; 82.1.1(a); 82.1.1(b)	EFFECTIVE DATE:
	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

It is generally recognized that juveniles who engage in anti-social conduct present different problems to society than do adults who engage in similar activity. There is, therefore, a modification of police procedures in handling juvenile offenders. This special procedure is based on the concept that the juvenile offender is often not yet hardened and may be more easily influenced to conduct himself/herself within the law. There is no question that the attitude and actions of the police can have considerable impact upon the first offender who is often a badly frightened youngster at the time of his/her arrest. How [s]he is treated at that time by the police can make a lasting impression. At the same time, it must be remembered that the hardened juvenile criminal can be just as dangerous as any adult.

Although the police are not expected to be social workers, they must have an understanding of the social and psychological factors which contribute to juvenile misbehavior and crime. By the nature of their duties, the police should be familiar with any undesirable conditions in the community which breed juvenile delinquency. The prevention of juvenile crime has a high priority and any success in this regard can pay large dividends to the community and to its young people.44.1.1

As a preventive measure, officers should frequently check those areas, places and buildings that have been particularly prone to juvenile delinquent behavior and question all juveniles found in suspicious situations. Energetic patrol, impressing the fact of a consistent police presence, can be a most effective deterrent. The department should also cooperate actively with all other agencies, public or private, that can be of assistance in deterring and controlling juvenile delinquency.

Police officers play a very important part in the Juvenile Justice System. Patience, understanding and firmness, together with close cooperation with court officials in the processing of juvenile cases, are necessary for the system to operate most effectively.

Police officers should be aware that constitutional rights are not lost by virtue of one's age. Indeed, juveniles' merit greater protection, especially in the areas of questioning and waiver of rights.

The State Legislature has rescinded the law formerly referred to as CHINS (Children in Need of Services) and replaced with numerous provisions concerning Children Requiring Assistance. Rather than arresting certain young persons, the Police may place them in "custodial protection", but not handcuff, shackle or even bring them to the Police Station. Until the legislature or a court clarifies certain provisions of the new law, the Department will do its best to interpret and comply with the spirit of the legislation, which is clearly aimed at further separating certain so-called "status offenders" from the stigmatizing effects of certain aspects of the criminal justice system.

II. POLICY

It is the policy of this department that:

1. Juveniles shall be afforded their constitutional and statutory rights when being questioned, searched, detained or arrested. [44.2.2c](#)
2. Juvenile offenders shall not be detained at the Stow Police Department for any longer than necessary.
3. Children Requiring Assistance shall be provided custodial protection and other required services where this can be done safely.
4. Officers shall, whenever reasonable and justified under this policy, take those measures necessary to effect positive change in juvenile offenders that are consistent with Massachusetts law and the safety and security interests of the community.
5. The department is committed to the development and perpetuation of programs to prevent and control juvenile delinquency. [44.1.1.a](#)
6. The Department shall implement all the suggested guidelines as promulgated by the Massachusetts Peace Officer Standards and Training Commission on June 30, 2021 titled "Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children " and incorporated in this policy in Sections C-F. [Amended 6/30/21]

III. DEFINITIONS

- A) **Child Requiring Assistance (CRA)** Any child between the ages of 6 and 18 who:
1. Repeatedly runs away from the home of the child's parent, legal guardian or custodian.
 2. Repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal guardian or custodian, thereby interfering with their ability to adequately care for and protect the child;
 3. Repeatedly fails to obey the lawful and reasonable regulations of the child's school; or

4. Is habitually truant. [44.2.2](#)

B) **Delinquent child** A child between 12 and 18 years of age who commits any offense against a law of the commonwealth: provided, however, that such offense shall not include:

1. Civil Infraction
2. a violation of any municipal ordinance or town by-law
3. or a first offense of a misdemeanor
4. for which the punishment is a fine, imprisonment in a jail or house of correction for not more than 6 months or both such fine and imprisonment. ¹

Important Note:

The previous definition of a "Delinquent child" was much broader. Previously it was defined as a child between the ages of seven (7) and eighteen (18) who violates any city ordinance or town by-law or who commits any offense against a law of the commonwealth.

The New Age of Criminal Responsibility has been increased from 7 to 12 years of age.

In addition, the new statute states in pertinent part that juveniles shall not be found delinquent in juvenile court for any misdemeanor for which the first offense is punishable by less than 6 months in the House of Correction.

With that in mind, there is nothing in this newly modified definition of a "Delinquent Child" under Chapter 119 Section 52 that specifically precludes police officers from making an arrest under certain circumstances such as:

1. When specifically authorized by statute based on "probable cause.
2. when specifically authorized by statute when the violation occurs in the presence of a police officer; or
3. when the violation takes place in the presence of a police officer in which said violation amounts to an ongoing or prospective breach of the peace.
4. Therefore, arrests of juveniles for certain types of misdemeanors which carry a penalty for less than six months such as the following:
 - a. Indecent Exposure,
 - b. Disorderly Conduct,
 - c. Disturbing the Peace,
 - d. Minor Transporting Alcohol,
 - e. Operating with a Suspended License,
 - f. Shoplifting,
 - g. Threats,
 - h. Driving without a license
 - i. Breaking and Entry to Commit a Misdemeanor, or
 - j. Making Annoying/Harassing Phone Calls

Until such time as the state legislature provides additional clarity and guidance on this complicated issue, beyond that outlined in the 2019 Wallace W Decision, the preferred response whenever possible for a violation of these listed enumerated offenses is to avoid making an arrest whenever possible. However, when circumstances warrant, such as to quell an ongoing breach of the peace and an arrest becomes the

only viable option and there is no reasonable alternative available, officers of this department shall continue to be authorized to make such an arrest if any of the 3 conditions above exist.

Recently, in the case of Commonwealth v Wallace (2019): the SJC concluded that the amendment to 52 of Chapter 119 was plainly designed to give juveniles a so-called "second chance" with regard to a "first offense of a misdemeanor" that carries a maximum punishment of six months' imprisonment or a fine. In other words, the Legislature intended to excuse a juvenile's first isolated instance of such misconduct. **This means that the Juvenile Court may not exercise jurisdiction where the juvenile's first offense is one such misdemeanor.** However, once a juvenile has committed his/her "first offense," the Juvenile Court may exercise jurisdiction over all other offenses not otherwise excluded under 52, including subsequent six months or less misdemeanors. The SJC further concluded that, consistent with the purpose of the statute and the rule of lenity, the term "first offense" under 52 means a **first adjudication of delinquency** and not just one where a complaint was issued and the case was resolved short of adjudication (e.g., dismissed, diverted, continued without a finding, etc.)

Further, by way of logistical implication in procedure outlined by the SJC for determining the "first-offense" misdemeanor in the Wallace W. decision, Police Officers **shall retain the Right of Arrest** for any "first offense misdemeanor" specifically allowable by existing statutes — whether in presence or on probable cause - in furtherance with this procedure as outlined by the SJC.

If an arrest is made a Clerk Magistrate and/or District Court Judge shall continue to make such a determination in the juvenile session of the district court prior to arraignment as to whether or not a complaint shall issue.

C) Youthful Offender:

A person who is subject to an adult or juvenile sentence for having committed, while between the ages of fourteen (14) and eighteen (18), an offense against a law of the commonwealth which, if he were an adult, would be punishable by imprisonment in the state prison, and (a) has previously been committed to the department of youth services, or (b) has committed an offense which involves the infliction or threat of serious bodily harm in violation of law, or (c) has committed a violation of paragraph (a), (c) or (d) of section ten or section ten E of chapter two hundred and sixty-nine; provided that, nothing in this clause shall allow for less than the imposition of the mandatory commitment periods provided in section fifty-eight of chapter one hundred and nineteen.²

D) Non-Offenses:

Children held in protective custody because they were found present where controlled substances are kept pursuant to G.L. c. 94C, s. 36, or are incapacitated due to intoxication pursuant to G.L. c. 111B, s. 8.

E) Non-Secure Custody:

A condition under which a juvenile's freedom of movement is controlled by members of the Stow Police Department and, during such time, the juvenile:[44.2.2a](#)

1. Status offenders are held in an unlocked, multi-purpose room that is in no way designed for residential use; the Squad Room. Monitored and under the supervision of the arresting officer, prisoner watch, officer, or the officer-in-charge
2. Is not handcuffed to any stationary object.

3. Is held only long enough to complete identification, investigation and processing and then released to a parent or guardian or transferred to a juvenile facility or the court; and
4. Is under continuous supervision until released.

F) Secure Custody:

A condition under which a juvenile's freedom of movement is controlled by being placed in a cell or locked room (or set of rooms) or being handcuffed to a stationary object.

G) Custodial Protection:

A term used but not defined in several parts of MGL c. 119, referring to actions resembling Non-Secure Custody, above, but without handcuffing, restraining or even transporting the young person to a police facility.

H) Age of Criminal Responsibility:

The age of Criminal Responsibility shall now be 12 years of age. 4

I) Restraints:

a device that limits voluntary physical movement of an individual, including leg irons and shackles, which have been approved by the trial court department.

IV. PROCEDURE

A. Administration

1. The responsibility for participating in and supporting the department's juvenile operations is shared by all department components and personnel. [44.1.1](#)

B. Enforcement Alternatives [1.2.6](#) [44.2.1](#), [1.2.6](#)

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding appropriate action. Officers shall use the least coercive and most reasonable alternative, consistent with preserving public safety, order and individual liberty.[44.2.1 a](#)
2. Whenever reasonable and possible, an officer will request a summons for a juvenile rather than taking him/her into custody.[44.2.1 b](#)
3. Alternatives available include the following:
 - a. Release with no further action or following informal counseling when no arrest has been made. Officers may turn the juvenile over to his/her parent or guardian when appropriate.[44.2.1b](#)
 - b. Informal referral to an appropriate community social service agency.
 - c. Limited custody and station house warning. The juvenile shall be held in non-secure custody until released to his/her parent(s) or guardian.
 - d. Issue a citation or applying for a summons or complaint; and [44.2.1b\(c\)](#)
 - e. Arrest
 - f. Communities for restorative Justice (C4RJ)
4. Criteria When Choosing an Alternative

- a. In considering a course of action, the officer shall consider the nature of the offense, the age of the juvenile, the juvenile's prior contacts with the police, the availability of community-based rehabilitation programs, and, in some cases, the recommendation of the complainant or victim.
- b. **Note:** No arrests are authorized in cases involving *Children Requiring Assistance*.

Note: Sections (C.) through (F.) that immediately follow come directly from the *Official Guidance* offered from the Massachusetts *Peace Officer Standards and Training Commission* "*Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children.*"

C. De-escalation & Disengagement¹

1. When appropriate, safe, and feasible in determining how to respond to minor children, Law Enforcement Officers should use de-escalation strategies in an attempt to problem solve and provide alternatives to arrest.
2. Law Enforcement Officers should consider all approved diversion options and select the alternative which least restricts the minor child's freedom and provides an alternative compatible with the best interests of the minor child and the community. When interacting with minor children, Law Enforcement Officers should make every reasonable effort to prevent an incident from escalating.
3. Any Law Enforcement Officer involved in a situation with a minor child should remain calm, engage the minor child in dialogue, and attempt to gain cooperation and trust from the minor child whenever safe and feasible.
4. When appropriate and feasible, Law Enforcement Officers should approach a minor child in a manner that is slower and more deliberate than a Law Enforcement Officer would approach an adult, in order to begin a process of de-escalation and to encourage and promote mutual cooperation and trust.
5. Law Enforcement Officers should attempt to engage the minor child in conversation, explain their role as peacekeeper, and encourage the minor child to partner with the officer in keeping the peace and managing the situation by using the timing, language, and physical bearing that is least likely to escalate the minor child's response.
6. Law Enforcement Officers' attempts to keep the peace should provide the minor child with the opportunity to understand and comply with their instructions, encourage questions and provide answers, and minimize the likelihood for confrontation by engaging in and facilitating non-threatening dialogue.
7. When it is safe and feasible, Law Enforcement Officers should adopt a calm, collaborative, respectful, and firm demeanor with minors to prevent a fight, flight or freeze response, slow down the interaction, and de-escalation the situation.
8. When interacting with a minor child, Law Enforcement Officers should explain the interaction in an age or developmentally appropriate manner, use developmentally appropriate language, maintain a non-threatening demeanor, and treat the minor child with courtesy, professionalism, dignity, respect, and equality.

¹ The Municipal Police Training Committee (MPTC) in their current lesson plan, *Police Response to Mental Illness and Emotional Disturbances*, defines de-escalation as an "interactive process where the goal is to guide an individual to a calmer state of mind and to get to solution-based thinking. De-escalation refers to establishing and maintaining control of a situation in order to increase the safety of all and to build rapport with a person in order to increase cooperation." This concept of de-escalation is embedded in the MPTC's current Use of Force and Integrating Communications, Assessment and Tactics (ICAT)¹ curricula. It is generally understood that de-escalation techniques require Law Enforcement Officers to make a shift away from transactional, "quick resolution" tactics and slow down their interactions to build rapport and provide support to an emotionally dysregulated individual.

9. When interacting with a minor child, officers should avoid tactics that are demeaning or likely to humiliate the minor child.

D. Education and Training

1. Training of Law Enforcement Officers should address child and adolescent development, brain development, and trauma informed, age-appropriate, and culturally relevant tactics to prevent escalation of Law Enforcement Officer-minor child interactions. Training should include, but is not limited to:
 - a. Implicit and explicit bias training to address racial, age-based, gender, cultural, linguistic, and economic bias and the disproportionate impact of such biases on minor children of color.
 - b. Trauma training that includes strategies for effective, trauma-informed responses to minor child behavior. Training should provide a basic understanding of emotional and/or traumatic stress presentation in minor children.
 - c. Scenario based training involving interactions with minor children.
 - d. Training should include special considerations that officers should take when encountering special populations including minor children suffering from cognitive/and or mental health issues, minor children under the influence of substances, minor children with disabilities, and minor children for whom English is not a first language; and
 - e. Training in communication, stabilization, and crisis intervention strategies and techniques. Strategies/techniques should encompass:
 1. active, reflective, and empathic listening
 2. rapport building
 3. affect management; and
 4. crisis negotiation and response.
2. Law Enforcement Agencies should develop a specific academy training on how to interact and engage with minor children. Academy training should include the following as it relates to minor children:
 - a. Conflict resolution and problem solving
 - b. Alternatives to arrest; and
 - c. Impact of child development and trauma on minor children's ability to process, take directives, and respond to Law Enforcement Officers.

E. Trauma

1. Law Enforcement Officers should be encouraged to access support and debriefing following critical incidents involving minor children.
2. Partnerships between Law Enforcement Officers and behavioral health professionals should be encouraged, and Law Enforcement Officers should have access to accurate information about community resources for minor children and their families.

F. Community

1. Law Enforcement Agencies should encourage and provide resources for Law Enforcement Officers of all ranks to establish community relationships through non-enforcement interactions among Law Enforcement Officers, minor children, and other community members.
2. Law Enforcement Agencies should make identified community resources for minor children available and accessible to Law Enforcement Officers.

3. Law Enforcement Agencies should periodically review and update procedures for effective Law Enforcement Officer-minor child interactions that include effective communication strategies for children.
4. Engagement in communities that increase community trust in Law Enforcement Officers.

G. Referral to Juvenile Court 44.2.1 c

1. While an officer should recognize the unique and often sensitive nature of juvenile contact, [s]he should not be deterred from properly enforcing the law when required to do so. A decision to arrest should be based on the same legal considerations as the arrest of an adult.
2. Officers may arrest juveniles for acts of delinquency and status offenses. 44.2.2a
3. Arrested juveniles are subject to the same security and other transportation requirements as adults and may be handcuffed or otherwise restrained as necessary during transport and processing. See departmental policy on *Transporting Prisoners*. **Note:** Children Requiring Assistance may not be handcuffed, shackled or transported to the police station. 44.2.2 a
4. When an arrest is made, the juvenile shall be brought to the processing facility without delay.
5. Pursuant to Chapter 119 Section 67(a), Whenever a child between 12 and 18 years of age is arrested with or without a warrant, as provided by law, and the court or courts having jurisdiction over the offense are not in session, the officer in charge shall immediately notify at least 1 of the child's parents, or, if there is no parent, the guardian or custodian with whom the child resides or if the child is in the custody and care of the department, the department of children and families. Pending such notice, such child shall be detained pursuant to subsection (c) of Chapter 119 Section 67 [section 7 below]. 44.2.2e
6. Pursuant to Chapter 119 Section 67(b), Upon the acceptance by the officer in charge of the police station or town lockup of the written promise of the parent, guardian, custodian or representative of the department of children and families to be responsible for the presence of the child in court at the time and place when the child is ordered to appear, the child shall be released to the person giving such promise; provided, however, that if the supervisor of the arresting officer requests in writing that a child between 14 and 18 years of age be detained, and if the court issuing a warrant for the arrest of a child between 14 and 18 years of age directs in the warrant that the child shall be held in safekeeping pending the child's appearance in court, the child shall be detained in a police station, town lockup, a place of temporary custody commonly referred to as a detention home of the department of youth services or any other home approved by the department of youth services pending the child's appearance in court; provided further, that in the event any child is so detained, the officer in charge of the police station or town lockup shall notify the parents, guardian, custodian or representative of the department of children and families of the detention of the child. Nothing contained in this section shall prevent the admitting of such child to bail in accordance with law. 44.2.2c
7. Pursuant to Chapter 119 Section 67(c), no child between 14 and 18 years of age shall be detained in a police station or town lockup pursuant to subsections (a) or (b) [5 and 6 above] unless the detention facilities for children at the police station or town lockup have received the approval in writing of the commissioner of youth services. The department of youth services shall make inspection at least annually of police stations and town lockups where children are detained. If no approved detention facility exists in a city or town, the city or town may contract with an adjacent city or town for the use of approved detention facilities to prevent children who are detained from meeting adult prisoners. A separate and distinct place shall be provided in police stations, town lockups or places of detention

for such children. Nothing in this section shall permit a child between 14 and 18 years of age to be detained in a jail or house of correction.

8. Pursuant to Chapter 119 Section 67(d), When a child is arrested who is in the care and custody of the department of children and families, the officer in charge of the police station or town lockup where the child has been taken shall immediately contact the department's emergency hotline and notify the on-call worker of the child's arrest. The on-call worker shall notify the social worker assigned to the child's case who shall make arrangement for the child's release as soon as practicable if it has been determined that the child will not be detained.
9. Juveniles arrested for criminal type offenses are subject to the same booking procedures as adults. Juveniles taken into custody for status offenses or for non-criminal offenses as well as Children Requiring Assistance that are placed in custodial protection shall not be fingerprinted or photographed. 44.2.2 c, 82.1.2 b
10. The arresting officer and the prosecutor should cooperate in the preparation and presentation of the case if court action is necessary.
11. Any police proceeding involving juveniles or Children Requiring Assistance shall be treated in a confidential manner.
12. A child shall be released:
 - a. To a parent, guardian, or other reputable person upon acceptance, by the officer in charge, of the written promise of such person to be responsible for the appearance of the child in court at the required time and place; or
 - b. To a probation officer upon receipt of a request by such officer that the child be released to him/her.
13. A child between the ages of 14 and 18 shall not be released if:
 - a. The arresting officer requests in writing that [s]he be detained and the court issuing a warrant for the arrest of such child directs in the warrant that [s]he be held in safekeeping pending his/her appearance in court, or
 - b. A probation officer directs that such child be detained.

NOTE: Notice of detention shall be given to the parent(s) or guardian or person with whom the child resides and to the probation officer. Nothing contained in this section should be construed to deny the juvenile the right to bail.

14. Juveniles arrested for criminal type offenses are subject to the same booking procedures as adults. See department policy on ***Booking Procedure and the Holding Facility.***
15. The arresting officer, the juvenile officer and the prosecutor should cooperate in the preparation and presentation of the case if court action is necessary.
16. Any police proceeding involving juveniles shall be treated in a confidential manner.

H. Holding Juveniles

1. Delinquent Offenders

- a. Juveniles between ages fourteen and under 18 accused of delinquent offenses may be held in secure custody for no longer than six hours for the purpose of identifying and processing the juvenile and, if appropriate, transportation to a juvenile facility or court.
- b. Records shall be kept that specify:

1. The time the juvenile entered secure detention and the duration of each period of secure detention.
2. The name of the police officer or custodial officer responsible for visual supervision and the schedule of visual supervision; and
3. A statement of the need for secure detention.

NOTE: Juveniles accused of first- or second-degree murder or who will be tried in adult court as a youthful offender are not subject to the six hour detention limit as they are automatically tried in adult court.

- c. No child between the ages of fourteen and under 18 shall be detained in a police station or town lockup unless the detention facilities for children have received the written approval of the Commissioner of Youth Services.
- d. Lockup and other detention facilities shall be such as prevent juveniles who are detained from coming in sight and sound contact with adult prisoners.
- e. No child under age fourteen shall be placed in a cell or otherwise securely detained for any reason. Such child may be held in a safe environment pending suitable disposition.[44.2.2d](#)

2. Protective Custody (Where drugs are found)

- a. Status offenders and juveniles held for protective custody shall not be held in secure custody.
- b. Status offenders may only be held long enough to complete identification, investigation and processing and then must be released to parents, guardians or other responsible adults or transferred to an alternative juvenile facility or court.
- c. A child under the age of 18 may be taken into protective custody, for a period not exceeding four hours, if an officer:
 1. Finds the child at a place where the officer reasonably believes there is a controlled substance of Class A, B or C;
 2. Reasonably believes the child to be under age seventeen; and
 3. Reasonably believes the child knew of the presence of the controlled substance.

Note: The officer in charge of the police station shall make every reasonable effort to notify the juvenile's parent or guardian or other person having lawful custody.

4. For procedures to follow when a person under age eighteen is taken into protective custody due to consumption of alcohol, see the department policy on **Protective Custody**.

3. Children Requiring Assistance

- a. Children Requiring Assistance shall not be held in secure custody.
- b. A child may be taken into custodial protection for engaging in behavior described in the definition of "Child Requiring Assistance" in Section 21, only if such child has failed to obey a summons issued pursuant to MGL c 119 § 39E or if the law enforcement officer initiating such custodial protection has probable cause to believe that such child has run away from the home of his parents or guardian and will not respond to a summons.

- c. A parent, legal guardian or custodian of a child having custody of such child, may initiate an application for assistance in one of said courts stating that said child repeatedly runs away from home of said parent or guardian or repeatedly refused to obey the lawful and reasonable commands of said parent or guardian resulting in said parent's or guardian's inability to adequately care for and protect said child.
- d. A school district may initiate an application for assistance in said court stating that said child is not excused from attendance in accordance with the lawful and reasonable regulations of such child's school, has willfully failed to attend school for more than 8 school days in a quarter or repeatedly fails to obey the lawful and reasonable regulations of the child's school. The application for assistance shall also state whether or not the child and the child's family have participated in the truancy prevention program, if one is available, and a statement of the specific steps taken under the truancy prevention program to prevent the child's truancy; and if the application of assistance states that a child has repeatedly failed to obey the lawful and reasonable regulations of the school, a statement of the specific steps taken by the school to improve the child's conduct.
- e. Upon the filing of an application for assistance, the court may issue a summons, to which a copy of the application for assistance shall be attached, requiring the child named in such application to appear before said court at the time set forth in the summons. If such child fails to obey the summons, said Court may issue a warrant reciting the substance of the petition and requiring the officer to whom it is directed forthwith to take and bring such child before said Court. Notice of the hearing shall be given to the Department of Children and Families and the Department of Youth Services.
- f. Where the Court summons such child, the court shall in addition issue a summons to both parents of the child, if both parents are known to reside in the Commonwealth, or to one parent if only one is known to reside within the Commonwealth, or, if there is no parent residing in the Commonwealth, then to the parent having custody or to the lawful guardian of such child. Said summons shall require the person served to appear at a time and place stated therein at a hearing to determine whether or not such child is in need of assistance.
- g. Unless service of the summons required by this section is waived in writing, such summons shall be served by the constable or police officer, either by delivering it personally to the person to whom addressed or by leaving it with a person of proper age to receive the same, at the place of residence or business of such person, and said constable or police officer shall immediately make return to the court of the time and manner of service.
- h. A child who is the subject of an application for assistance may not be confined in shackles or similar restraints or in a court lockup facility in connection with any proceeding under Sections 39E to 39I, inclusive. A child who is the subject of an application for assistance shall not be placed in a locked facility or any facility designated or operated for juveniles who are alleged to be delinquent or who have adjudicated delinquent. Such child may, however, be placed in a facility which operates as a group home to provide therapeutic care for juveniles, regardless of whether juveniles adjudicated delinquent are also provided care in such facility.

- i. A child may not be arrested for engaging in behavior which constitutes being a Child Requiring Assistance.
- j. A child may be taken into custodial protection for engaging in the behavior described in the definition of "Child Requiring Assistance" in Section 21 only if such child has failed to obey a summons issued pursuant to Section 39E or if the law enforcement officer initiating such custodial protection has probable cause to believe that such child has run away from home of his parents or guardian and will not respond to a summons.
- k. After a law enforcement officer has taken a child into custodial protection, the officer shall immediately notify the parent, other person legally responsible for the child's care or the person with whom the child is domiciled, that such child is under the custodial protection of the officer and a representative of the Department of Children and Families, if the law enforcement officer has reason to believe that the child is or has been in the care of custody of such department and shall inquire into the case.
- l. The law enforcement officer, in consultation with the probation officer, shall then immediately make all reasonable diversion efforts so that such child is delivered to the following types of placements and in the following order:
 - 1. To one of the child's parents or to the child's guardian or other responsible person known to the child or to the child's legal custodian including the Department of Children and Families or the child's foster home upon written promise, without surety, of the person to whose custody the child is released that such parent, guardian, person or custodian will bring the child to the Court on the next court date
 - 2. Forthwith and with all reasonable speed take the child directly and without first being taken to the police station house, to a temporary shelter facility licensed or approved by the Department of Early Education and Care, a shelter home approved by a temporary shelter facility licensed or approved by said Department of Early Education and Care or a family foster care home approved by a placement agency licensed or approved by said Department of Early Education and Care: or
 - 3. Take the child directly to the juvenile court in which the act providing the reason to take the child into custodial protection occurred if the officer affirms on the record that the officer attempted to exercise the options identified in clauses (a) and (b), was unable to exercise these options and the reasons for such inability.
 - 4. Notwithstanding the foregoing requirement for placement, any such child who is taken into custodial protection shall, if necessary, be taken to a medical facility for treatment or observation.
- m. When juveniles are detained by the Stow Police Department the juvenile, parent or guardian shall be informed by the Arresting Officer about the department's juvenile procedures regarding custody and release to a parent or guardian. The officer will also inform the juvenile/parent/ about juvenile justice system procedures regarding transportation to another facility, or court procedures as applicable. [44.2.3 a](#)

4) **Protective Custody Warrant**

- a. A judge may order a Warrant of Protective Custody after the child fails to respond to a summons issued for the preliminary hearing. The warrant is similar to a Warrant of Apprehension and is to be served in the same manner. Therefore the child must be delivered to the court before 4:30pm.
- b. When an officer takes a child into custody upon the execution of a Warrant of Protective Custody, the officer **SHALL** immediately bring the child to the clerk's office and shall file the return of service. No booking is allowed.

5) **Child taken into "Custodial Protection" by the Police**

In accordance with Mass. General Laws c119 s39h, a child may be taken into custodial protection for engaging in the behavior described in the definition of "child requiring assistance" (CRA) **ONLY IF..**

1. the child has failed to obey a summons, or
2. the law enforcement officer initiating such
3. custodial protection has *probable cause to believe that such child has run away from the home of his parents or guardian and will not respond to a summons*

After a law enforcement officer has taken a child into custodial protection, the officer **SHALL** immediately notify the child's parent, guardian, or other person legally responsible for the child's care. Notification must be made to DCF if the child is in their custody.

The law enforcement officer, *in consultation with the probation officer*, shall then immediately make all reasonable diversion efforts so that such child is delivered to the following types of placement, and in the following order of preference:

1. To one of the child's parents, or to the child's guardian or other responsible person known to the child, or to the child's legal custodian including the department of children and families or the child's foster home upon the written promise, without surety, of the person to whose custody is released that such parent, guardian, person or custodian will bring the child to the court on the next court date; or
2. Forthwith and with all reasonable speed take the child directly and without first being taken to the police station house, to a temporary shelter facility licensed or approved by the department of early education and care, a shelter home approved by a temporary shelter facility licensed or approved by said department of early education and care or a family foster care home approved by a placement agency licensed or approved by said department of early education and care
3. Take the child directly to the juvenile court in which the act providing the reason to take the child into custodial protection occurred if the officer affirms on the record that the officer attempted to exercise the options in 1 and 2 and was unable to exercise these options and the reasons for such inability.
 - a. Police Officer Affirmation Form will be filled out which is available online at:
 - i. <http://www.mass.gov/courts/docs/forms/juv/cra-police-officer-law-enforcement-affirmation-jv-094-re.pdf>
 - ii. A completed report in the Stow Police Records Management system.

4. When all three options are not available, the child may be taken to the Stow Police Department Lobby where attempts of completing steps 1-3 again will be taken.
- 6) **A Child In Stow Police Custody for Warrant of Protective Custody or Custodial Protection:**

When a child is taken into custody by the Stow Police, whether by a Warrant of Protective Custody or Custodial Protection, the child:

1. May not be confined in shackles or similar restraints or in a court lockup facility in connection with any proceedings under section 39e or 39I, inclusive.
2. Shall not be placed in a locked facility designated or operated for juveniles who are alleged to be delinquent or who have been adjudicated delinquent.
3. May be placed in a facility, which operates as a group home to provide therapeutic care for juveniles, regardless of whether juveniles adjudicated delinquent are also provided care in such facility.
4. If necessary, be taken to a medical facility for treatment or observation.

V. CUSTODIAL INTERROGATION OF MINORS

- A. For a general review of the standards and procedures to be followed when conducting custodial interrogation see the departmental policy and procedure on *Interrogating Suspects and Arrestees*. It should be remembered that the Miranda Rules apply to juveniles.
- B. In addition, the police must also follow the special rules that apply to the interrogation of juveniles. [44.2.2c](#)
 1. **INTERESTED ADULT RULE:** In order to obtain a knowing and intelligent waiver by a juvenile, in most cases a parent or interested adult must be present, understand the warnings and have a meaningful opportunity to consult with the juvenile. Before initiating an interrogation, the juvenile's parent, legal guardian, or other interested adult (including an attorney) should be present. [42.2.3a](#)
 2. **UNDER AGE FOURTEEN:** No waiver of rights by a juvenile who is 12 years of age or older and under the age of 14 will be valid if an interested adult is not present, understands the warnings and has a meaningful opportunity to consult with the juvenile. Actual presence of the juvenile's parent or interested adult is required in order to have a valid waiver of Miranda Rights (Comm v. Macneil, 399 Mass. 71 (1987)).
 3. **FOURTEEN YEARS OR OLDER:** For juveniles who are at least 14 but under age 18, there should ordinarily be a genuine opportunity to consult with a parent or interested adult. If there are valid, substantial reasons why an interested adult is not present, officers should ensure, before interrogating the juvenile, that [s]he understands the Miranda warnings and the consequences of waiving them and that any waiver of his/her rights is made intelligently, knowingly and voluntarily. A valid waiver will not occur unless the circumstance "demonstrates a high degree of intelligence, experience, knowledge or sophistication on the part of the juvenile".
 4. **EIGHTEEN YEARS OF AGE:** If the suspect is EIGHTEEN years of age at the time of the offense, [s]he is considered an adult in the criminal justice system. Thus for *Miranda* purposes, the special protections afforded to juveniles do not apply.

C. **INTERESTED ADULT EXPLAINED:** An interested adult is, most often, a parent of the juvenile. When the parent is unavailable, another interested adult may be called upon, such as, depending on the circumstances, a legal guardian, an adult brother or sister, grandparent, or other adult relative or an attorney.

1. A person would not qualify as an interested adult if the adult:
 - a. Lacks the capacity to appreciate the juvenile's situation (e.g., is intoxicated).
 - b. Appears to be actually antagonistic to the juvenile; or
 - c. Is required to report the juvenile's offenses to authorities (e.g., an employee of the Department of Youth Services, or a school official in the case of a weapons violation on school grounds).
 - d. A person under the age of eighteen will not satisfy the interested adult rule.
2. **OPPORTUNITY TO CONSULT:** The interrogating officer should explain to the adult that the two of them will be left alone to provide them an opportunity to discuss the juvenile's rights. Then the adult and juvenile must be provided an actual opportunity to discuss the juvenile's rights and the consequences of the waiver.

D. Interrogation [44.2.3](#)

1. Prior to conducting a custodial interrogation of a juvenile, the interrogating officer will start an audio recorder and then shall be particularly careful to read each Miranda right distinctly, clearly and in a manner designed to ensure that the juvenile (and any adult present on his/her behalf) follows the words being spoken and comprehends their meaning.
2. A Stow Police Juvenile Miranda Rights form will be used. This card should be handed to the juvenile (and any adult present on his/her behalf) so that the juvenile can read it slowly and re-read it if necessary.
3. When an adult acting on behalf of the juvenile is present, the officer shall read the Miranda warnings to the adult.
4. Some inquiries shall be made of the juvenile (and any adult present on his/her behalf) as to the juvenile's age, most recent level of schooling and education, whether [s]he has any reading disabilities or mental or emotional conditions and whether [s]he understands the words contained in each Miranda warning.
5. **UNDER FOURTEEN:** If the juvenile being interrogated is 12 years of age or older and under the age of 14, he/she must be given an actual opportunity to have a meaningful consultation with an interested adult to discuss the Miranda warnings.
6. **AGE 14 TO under 18:** If the juvenile is over the age of fourteen and an interested adult is present, the adult shall be given a genuine opportunity to have a meaningful consultation with the juvenile.
7. Officers shall ensure that the interrogation is not unduly coercive, particularly when an interested adult is not present. [44.2.3 b](#)
8. The duration of each interrogation session should be limited and frequent breaks taken.
9. Absent extraordinary circumstances, only two officers shall be present at the interrogation.

NOTE: Massachusetts courts have not ruled on how long the interrogation session of a juvenile may continue before it becomes unduly coercive. Whether an interrogation is unduly coercive such that a valid waiver of rights cannot be made, is a facts and circumstances inquiry and will be dependent on the age, intelligence and sophistication of the juvenile, as well as the circumstances of the interrogation.

REPORTS: Included in the arrest record will be the time in which each period of interrogation was commenced and completed, the officers present and the names of parents or responsible adults on hand.

VI. ABUSED OR NEGLECTED CHILDREN 42.2.2.b

- A. A police officer who, in his/her professional capacity, has reasonable cause to believe a child under age 18 is suffering serious physical or emotional injury or death from abuse or neglect, including sexual abuse or malnutrition, shall immediately report such condition to the Department of Child and Families by oral communication, followed by a written report within 48 hours of the oral communication. Said report shall contain the following information:
1. The names and addresses of the child and parents or other person responsible for the child's care, if known.
 2. The child's age;
 3. The child's sex;
 4. The nature and extent of the child's injuries, abuse, maltreatment or neglect;
 5. The circumstances under which the officer first became aware of the child's condition;
 6. The action taken, if any, to treat, shelter or otherwise assist the child;
 7. The name of the officer making the report;
 8. Any other information which the officer believes may be helpful in establishing the cause of the injuries; and
 9. The identity, if known, of the person or persons responsible for such injuries.
- B. Juveniles may be taken into custody in situations where the officer believes that the life or health of the child is in immediate danger. In such cases, the Department of Child and Families (DCF) shall be immediately contacted and requested to respond to the scene to take custody of the juvenile. If DCF does not respond to the scene in a reasonable amount of time, the juvenile may be transported to the station to await DCF.
- C. In serious cases of child neglect or abuse, the officer may apply to an appropriate juvenile court to have custody of a child under eighteen taken away from the parents or other neglectful or abusing custodian and have custody transferred, on an emergency basis, to DCF or a licensed childcare agency or individual.

VII. SCHOOL LIAISON AND YOUTH PROGRAMS

- A. The chief of police may establish and/or maintain a school liaison program and appoint one or more officers to do the following: 42.2.4
1. Act as a resource with respect to delinquency prevention.41.1.1
 2. Provide guidance on ethical issues in a classroom setting, as requested.
 3. Provide individual counseling and/or mentoring to students; and
 4. Explain to students the role of law enforcement in society
 5. Officers should follow the Memorandum of Understanding Agreement between the Town of Stow Police Department and the Nashoba Regional School District and the Middlesex District Attorney's Office
 6. Officer will follow the policies set by POST
 7. Officers will be trained as SRO through POST and MPTC

8. The Department encourages all departmental personnel, as good citizens, to participate on their off-duty time, in any community recreational programs for youth i.e. (P.A.L., G.R.E.A.T programs and community organized youth basketball, little league and football programs). Where a recreational program is needed but does not exist, officers should encourage citizens and community leaders to organize one. [42.2.5](#)

VIII. RECORD KEEPING

- A. Officers who select noncustodial alternatives or engage in informal enforcement contacts with juveniles shall complete appropriate incident reports. These reports shall clearly identify the juveniles involved, the nature of the incident and the rationale for the officer's disposition.
- B. Juveniles taken into custody for criminal-type offenses shall be subject to the same reporting requirements as adults. Such records, including photographs and fingerprints, shall be clearly marked "Juvenile" and will be separated from adult arrest records. Central Records Bureau will scan all pertinent files into the computer system and shred all data once scanned. All juvenile records are password protected in the IMC System. Dissemination of juvenile records shall be consistent with existing MGL and Public Records Dissemination Guide 14-81. [82.1.2 a, b](#)

IX. NEW STATE STATUTES OF INTEREST PERTAINING TO JUVENILES:

Chapter 138 Section 1:

"Alcohol-related incapacitation", the condition of an intoxicated person who, by reason of the consumption of intoxicating liquor, is: (a) unconscious; (b) in need of medical attention; or (c) likely to suffer or cause physical harm or damage property.

Chapter 138 Section 34E.

(a) A person under 21 years of age who, in good faith, seeks medical assistance for someone experiencing alcohol-related incapacitation shall not be charged or prosecuted under sections 34, 34A or 34C if the evidence for the charge of purchase or possession of alcohol was gained as a result of seeking medical assistance.

(b) A person under 21 years of age who experiences alcohol-related incapacitation and is in need of medical assistance and, in good faith, seeks such medical assistance or is the subject of such a good faith request for medical assistance shall not be charged or prosecuted under sections 34, 34A or 34C if the evidence for the charge of purchase or possession of alcohol was gained as a result of seeking medical assistance.

Chapter 272 Section 40:

Whoever willfully interrupts or disturbs an assembly of people meeting for a lawful purpose shall be punished by imprisonment for not more than 1 month or by a fine of not more than \$50; provided, however, that an elementary or secondary student shall not be adjudged a delinquent child for an alleged violation of this section for such conduct within school buildings or on school grounds or in the course of school-related events.

Chapter 272 Section 53:

(b) Disorderly persons and disturbers of the peace shall, for a first offense, be punished by a fine of not more than \$150. For a second or subsequent offense, disorderly persons and disturbers of the peace shall be punished by imprisonment in a jail or house of correction for not more than 6 months or by a fine of not more than \$200 or by both such fine and imprisonment; provided, however, that an elementary or secondary school student shall not be adjudged a delinquent child for a violation of this subsection for such conduct within school buildings or on school grounds or in the course of school-related events.

Endnotes

¹ M.G.L. c. 119, s. 52

¹ M.G.L. c. 119, s. 52

¹ 28 CFR Part 31.303 (i)

¹ M.G.L. c. 119, s. 54

¹ M.G.L. c. 119, s. 86

¹ M.G.L. c. 119, s. 67(a)

¹ M.G.L. c. 119, s. 67(b)

¹ M.G.L. c. 119, s. 67(c)

¹ M.G.L. c. 119, s. 67(d)

¹ M.G.L. c. 263, s. 1A; *Com. v. Shipps*, 399 Mass. 820, 507 N.E.2d 671 (1987)

¹ Executive Order Number 339, Commonwealth of Massachusetts, Aug. 14, 1992; 28 CFR Part 31.303(f)(5)(iv)(H)

¹ M.G.L. c. 119, s. 68

¹ M.G.L. c. 119, s. 67

¹ M.G.L. c. 119, s. 67

¹ M.G.L. c. 94C, s. 36

¹ *Com. v. A Juvenile*, 389 Mass. 128, 449 N.E.2d 654 (1983)

¹ *Com. v. Berry*, 410 Mass. 31, 570 N.E.2d 1004 (1991)

¹ *Com. v. King*, 17 Mass. App. Ct. 602, 460 N.E.2d 1299, *rev. den.* 391 Mass. 1105, 464 N.E.2d 73 (1984)

¹ *Com. v. A Juvenile*, 389 Mass. 128, 449 N.E.2d 654 (1983); *Com. v. Berry*, 410 Mass. 31, 570 N.E.2d 1004 (1991)

¹ *Com. v. Berry*, 410 Mass. 31, 570 N.E.2d 1004 (1991)

¹ *Id.*

¹ *See Com. v. Harris*, 364 Mass. 236, 303 N.E.2d 115 (1973)

¹ M.G.L. c. 119, s. 51A

¹ M.G.L. c. 119, s. 51B

¹ M.G.L. c. 119, s. 24

HANDLING JUVENILES

In Effect: 01/01/2015

Review Date: 12/31/2015 @ 2359

HANDLING JUVENILES

STOW POLICE DEPARTMENT POLICY & PROCEDURE NO. 1.15	ISSUE DATE:
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 44.1.1; 44.2.1; 44.2.2; 44.2.3; 44.2.4; 44.2.5; 82.1.1(a); 82.1.1(b)	EFFECTIVE DATE:
	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

It is generally recognized that juveniles who engage in anti-social conduct present different problems to society than do adults who engage in similar activity. There is, therefore, a modification of police procedures in handling juvenile offenders. This special procedure is based on the concept that the juvenile offender is often not yet hardened and may be more easily influenced to conduct himself/herself within the law. There is no question that the attitude and actions of the police can have considerable impact upon the first offender who is often a badly frightened youngster at the time of his/her arrest. How [s]he is treated at that time by the police can make a lasting impression. At the same time, it must be remembered that the hardened juvenile criminal can be just as dangerous as any adult.

Although the police are not expected to be social workers, they must have an

Stow Police Department

understanding of the social and psychological factors which contribute to juvenile misbehavior and crime. By the nature of their duties, the police should be familiar with any undesirable conditions in the community which breed juvenile delinquency. The prevention of juvenile crime has a high priority and any success in this regard can pay large dividends to the community and to its young people.

As a preventive measure, officers should frequently check those areas, places and buildings that have been particularly prone to juvenile delinquent behavior and question all juveniles found in suspicious situations. Energetic patrol, impressing the fact of a consistent police presence, can be a most effective deterrent. The department should also cooperate actively with all other agencies, public or private, that can be of assistance in deterring and controlling juvenile delinquency.

Police officers play a very important part in the Juvenile Justice System. Patience, understanding and firmness, together with close cooperation with court officials in the processing of juvenile cases, are necessary for the system to operate most effectively.

Police officers should be aware that constitutional rights are not lost by virtue of one's age. Indeed, juveniles merit greater protection, especially in the areas of questioning and waiver of rights.

II. POLICY

A. It is the policy of this department that:

1. Juveniles shall be afforded their constitutional and statutory rights when being questioned, searched, detained or arrested;
2. Juvenile offenders shall not be detained at the police station for any longer than necessary;
3. Officers shall, whenever reasonable and justified under this policy,

take those measures necessary to effect positive change in juvenile offenders that are consistent with Massachusetts law and the safety and security interests of the community;

4. The department is committed to the development and perpetuation of programs to prevent and control juvenile delinquency. [44.1.1.a]

III. DEFINITIONS

- A. *Child in Need of Services (CHINS)* has been removed from the law and replaced with Families and Children Engaged in Services (FACES)
- B. *Delinquent Child:* A juvenile who violates any city ordinance or town by-law or who commits any offense against the Commonwealth.
- C. *Juvenile:* A juvenile, for purposes of Massachusetts criminal law, is anyone between the ages of 7 and 18.
- D. *Non-Offenses:* Children held in protective custody because they were found present where controlled substances are kept pursuant to G.L. c. 94C, s. 36, or are incapacitated due to intoxication pursuant to G.L. c. 111B, s. 8.
- E. *Non-Secure Custody:* A condition under which a juvenile's freedom of movement is controlled by members of the department and, during such time, the juvenile:
 1. Is held in an unlocked, multi-purpose room that is in no way designed for residential use;
 2. Is not handcuffed to any stationary object;
 3. Is held only long enough to complete identification, investigation and processing and then released to a parent or guardian or transferred to a juvenile facility or the court; and

4. Is under continuous supervision until released.

F. Secure Custody: A condition under which a juvenile's freedom of movement is controlled by being placed in a cell or locked room (or set of rooms) or being handcuffed to a stationary object.

G. Status Offender: A juvenile who has committed an offense that would not be a crime if committed by an adult. This includes: runaways, truants, youth curfew violations, and minors in possession of or transporting alcohol. [44.2.2(a)]

IV. PROCEDURE

A. Administration

1. The chief of police shall designate a juvenile officer or juvenile unit to have primary responsibility for juvenile operations.
2. The responsibility for participating in and supporting the department's juvenile operations is shared by all department components and personnel. [44.1.1(b)]

B. Enforcement Alternatives [44.2.1]

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding appropriate action. Officers shall use the least coercive and most reasonable alternative, consistent with preserving public safety, order and individual liberty.
2. Whenever reasonable and possible, an officer will request a summons for a juvenile rather than taking him/her into custody.
3. Alternatives available include the following:

- a. Release with no further action or following informal counseling when no arrest has been made. Officers may turn the juvenile over to his/her parent or guardian when appropriate;
 - b. Informal referral to an appropriate community social service agency;
 - c. Limited custody and station house warning. The juvenile shall be held in non-secure custody until released to his/her parent(s) or guardian;
 - d. Issue a citation or applying for a summons or complaint; and [44.2.1(b)(c)]
 - e. Arrest.
 - f. Communities for restorative Justice (C4RJ)
3. Criteria When Choosing an Alternative
 - a. In considering a course of action, the officer shall consider the nature of the offense, the age of the juvenile, the juvenile's prior contacts with the police, the availability of community-based rehabilitation programs, and, in some cases, the recommendation of the complainant or victim.

C. Referral to Juvenile Court

1. While an officer should recognize the unique and often sensitive nature of juvenile contact, [s]he should not be deterred from properly enforcing the law when required to do so. A decision to arrest should be based on the same legal considerations as the arrest of an adult.

2. Officers may arrest juveniles for acts of delinquency and status offenses. [44.2.2(a)]
3. Arrested juveniles are subject to the same security and other transportation requirements as adults and may be handcuffed or otherwise restrained as necessary during transport and processing. See departmental policy on **Transporting Prisoners**. [44.2.2(d)]
4. When an arrest is made, the juvenile shall be brought to the processing facility without delay.
5. When a juvenile is arrested, with or without a warrant, the officer in charge of the police station shall:
 - a. Notify the probation officer for the District Court or Juvenile Court for the judicial district in which the juvenile was arrested;
 - b. Notify at least one of the parents, or, if there is no parent, the guardian of the child, or the person with whom the child resides; and [44.2.2.(e)]
 - c. Inquire into the situation to ensure that proper cause for the arrest existed and that the juvenile was and is treated in accordance with the law. The juvenile may be detained pending such notice and inquiry.
6. A child shall be released:
 - a. To a parent, guardian or other reputable person upon acceptance, by the officer in charge, of the written promise of such person to be responsible for the appearance of the child in court at the required time and place; or

- b. To a probation officer upon receipt of a request by such officer that the child be released to him/her.
- 7. A child between the ages of 14 and 18 shall not be released if:
 - a. The arresting officer requests in writing that [s]he be detained and the court issuing a warrant for the arrest of such child directs in the warrant that [s]he be held in safekeeping pending his/her appearance in court, or
 - b. A probation officer directs that such child be detained.

NOTE: Notice of detention shall be given to the parent(s) or guardian or person with whom the child resides and to the probation officer. Nothing contained in this section should be construed to deny the juvenile the right to bail.

- 8. Juveniles arrested for criminal type offenses are subject to the same booking procedures as adults. See department policy on ***Booking Procedure and the Holding Facility.***
- 9. The arresting officer, the juvenile officer and the prosecutor should cooperate in the preparation and presentation of the case if court action is necessary.
- 10. Any police proceeding involving juveniles shall be treated in a confidential manner.

D. Holding Juveniles

1. Delinquent Offenders

- a. Juveniles between ages fourteen and under 18 accused of delinquent offenses may be held in secure custody for no longer than six hours for the purpose of identifying and

processing the juvenile and, if appropriate, transportation to a juvenile facility or court.

- i. Records shall be kept that specify:
 - [a] The time the juvenile entered secure detention and the duration of each period of secure detention;
 - [b] The name of the police officer or custodial officer responsible for visual supervision and the schedule of visual supervision; and
 - [c] A statement of the need for secure detention.

NOTE: Juveniles accused of first or second degree murder or who will be tried in adult court as a youthful offender are not subject to the six hour detention limit as they are automatically tried in adult court.

- b. No child between the ages of fourteen and under 18 shall be detained in a police station or town lockup unless the detention facilities for children have received the written approval of the Commissioner of Youth Services.
- c. Lockup and other detention facilities shall be such as prevent juveniles who are detained from coming in sight and sound contact with adult prisoners.
- d. No child under age fourteen shall be placed in a cell or otherwise securely detained for any reason. Such child may be held in a safe environment pending suitable disposition.

2. **Status Offenders and Protective Custody**

- a. Status offenders and juveniles held for protective custody

shall not be held in secure custody.

- b. Status offenders may only be held long enough to complete identification, investigation and processing and then must be released to parents, guardians or other responsible adults or transferred to an alternative juvenile facility or court.
- c. A child under the age of 18 may be taken into protective custody, for a period not exceeding four hours, if an officer:
 - i. Finds the child at a place where the officer reasonably believes there is a controlled substance of Class A, B or C;
 - ii. Reasonably believes the child to be under age seventeen; and
 - iii. Reasonably believes the child knew of the presence of the controlled substance.

Note: The officer in charge of the police station shall make every reasonable effort to notify the juvenile's parent or guardian or other person having lawful custody.

- d. For procedures to follow when a person under age eighteen is taken into protective custody due to consumption of alcohol, see the department policy on ***Protective Custody***.

3. **FACES or CRA's**

- a) Major changes to the CHIN's law have taken place. The new law is referred to as FACES "Families and Children Engaged in Services" which does away with the term CHINS. The new term is "Child and Family Requiring Assistance" This law went into effect on November 5, 2012
- b) Age- application for assistance to be filed on child between the ages of six (6) and eighteen (18). Cases must be dismissed on the child's eighteenth (18th) birthday with the exception of young adults in DCF care requiring permanency hearings.
- c) A parent, legal guardian or custodian of a child having custody of such child, may initiate an application for assistance if said child is a "runaway" meaning the child repeatedly runs away from home or is a "Stubborn Child" meaning the child refuses to obey the lawful and reasonable commands of said parent or guardian resulting in the parent or guardian's inability to adequately care for and protect said child.
- d) A parent, legal guardian or custodian of a child having custody of such child, and a **police officer** may file an application for assistance for a sexually exploited child as defined by c119 s21. The application must also state whether the child is a "runaway" or stubborn child".

4) **Protective Custody Warrant**

- A) A judge may order a Warrant of Protective Custody after the child fails to respond to a summons issued for the preliminary hearing. The warrant is similar to a Warrant of Apprehension and is to be served in the same manner. Therefore the child must be delivered to the court before 4:30pm.

- B) When an officer takes a child into custody upon the execution of a Warrant of Protective Custody, the officer **SHALL** immediately bring the child to the clerks office and shall file the return of service. No booking is allowed.

5) Child taken into “Custodial Protection” by the Police

In accordance with Mass. General Laws c119 s39h, a child may be taken into custodial protection for engaging in the behavior described in the definition of “child requiring assistance” (CRA) **ONLY IF..**

- 1) the child has failed to obey a summons, or
- 2) the law enforcement officer initiating such
- 3) custodial protection has *probable cause to believe that such child has run away from the home of his parents or guardian and will not respond to a summons*

After a law enforcement officer has taken a child into custodial protection, the officer **SHALL** immediately notify the child’s parent, guardian, or other person legally responsible for the child’s care. Notification must be made to DCF if the child is in their custody.

The law enforcement officer, *in consultation with the probation officer*, shall then immediately make all reasonable diversion efforts so that such child is delivered to the following types of placement, and in the following order of preference:

- 1) To one of the child’s parents, or to the child’s guardian or other responsible person known to the child, or to the child’s legal custodian including the department of children and families or the child’s foster home **upon the written promise, without surety**, of the person to whose custody is released that such parent, guardian, person or custodian will bring the child to the court on the next court date; or

2) Forthwith and with all reasonable speed take the child directly and without first being taken to the police station house, to a temporary shelter facility licensed or approved by the department of early education and care, a shelter home approved by a temporary shelter facility licensed or approved by said department of early education and care or a family foster care home approved by a placement agency licensed or approved by said department of early education and care

3) Take the child directly to the juvenile court in which the act providing the reason to take the child into custodial protection occurred if the officer affirms on the record that the officer attempted to exercise the options in 1 and 2, and was unable to exercise these options and the reasons for such inability.

-Police Officer Affirmation Form will be filled out which is available online at:

<http://www.mass.gov/courts/docs/forms/juv/cra-police-officer-law-enforcement-affirmation-jv-094-re.pdf>

-A completed report in the Stow Police Records Management system.

4) When all three options are not available, the child may be taken to the Stow Police Department Lobby where attempts of completing steps 1-3 again will be taken.

6) **A Child in Stow Police Custody for Warrant of Protective Custody or Custodial Protection:**

When a child is taken into custody by the Stow Police, whether by a Warrant of Protective Custody or Custodial Protection, the child:

- a) May not be confined in shackles or similar restraints or in a court lockup facility in connection with any proceedings under section 39e or 39I, inclusive.
- b) Shall not be placed in a locked facility designated or operated for juveniles who are alleged to be delinquent or who have been adjudicated delinquent.
- c) May be placed in a facility, which operates as a group home to provide therapeutic care for juveniles, regardless of whether juveniles adjudicated delinquent are also provided care in such facility.
- d) if necessary, be taken to a medical facility for treatment or observation.

E. Custodial Interrogation of Minors

1. For a general review of the standards and procedures to be followed when conducting custodial interrogation see the departmental policy and procedure on ***Interrogating Suspects and Arrestees***. It should be remembered that the Miranda Rules apply to juveniles.
2. In addition, the police must also follow the special rules that apply to the interrogation of juveniles. [44.2.2(c)]
 - a. **INTERESTED ADULT RULE:** In order to obtain a knowing and intelligent waiver by a juvenile, in most cases a parent or interested adult must be present, understand the warnings and have a meaningful opportunity to consult with the juvenile. Before initiating an interrogation, the juvenile's parent, legal guardian, or other interested adult (including an attorney) should be present. [42.2.3(a)]

- i. **UNDER AGE FOURTEEN:** No waiver of rights by a juvenile under age fourteen will be valid if an interested adult is not present, understands the warnings and has a meaningful opportunity to consult with the juvenile. Actual presence of the juvenile's parent or interested adult is required in order to have a valid waiver of Miranda Rights (*Comm v. Macneil*, 399 Mass. 71 (1987)).
 - ii. **FOURTEEN YEARS OR OLDER:** For juveniles who are at least fourteen but under age eighteen, there should ordinarily be a genuine opportunity to consult with a parent or interested adult. If there are valid, substantial reasons why an interested adult is not present, officers should ensure, before interrogating the juvenile, that [s]he understands the Miranda warnings and the consequences of waiving them and that any waiver of his/her rights is made intelligently, knowingly and voluntarily. A valid waiver will not occur unless the circumstance "demonstrates a high degree of intelligence, experience, knowledge or sophistication on the part of the juvenile".
 - iii. **EIGHTEEN YEARS OF AGE:** If the suspect is EIGHTEEN years of age at the time of the offense, [s]he is considered an adult in the criminal justice system. Thus for *Miranda* purposes, the special protections afforded to juveniles do not apply.
- b. **INTERESTED ADULT EXPLAINED:** An interested adult is, most often, a parent of the juvenile. When the parent is unavailable, another interested adult may be called upon, such as, depending on the circumstances, a legal guardian, an adult brother or sister, grandparent, or other adult relative or an attorney.

- i. A person would not qualify as an interested adult if the adult:
 - [a] Lacks the capacity to appreciate the juvenile's situation (e.g., is intoxicated);
 - [b] Appears to be actually antagonistic to the juvenile; or
 - [c] Is required to report the juvenile's offenses to authorities (e.g., an employee of the Department of Youth Services, or a school official in the case of a weapons violation on school grounds).
- ii. A person under the age of eighteen will not satisfy the interested adult rule.
- c. **OPPORTUNITY TO CONSULT:** The interrogating officer should explain to the adult that the two of them will be left alone to provide them an opportunity to discuss the juvenile's rights. Then the adult and juvenile must be provided an actual opportunity to discuss the juvenile's rights and the consequences of the waiver.

3. *Interrogation*

- a. Prior to conducting a custodial interrogation of a juvenile, the interrogating officer will start an audio recorder and then shall be particularly careful to read each Miranda right distinctly, clearly and in a manner designed to ensure that the juvenile (and any adult present on his/her behalf) follows the words being spoken and comprehends their meaning.
- b. A Stow Police Juvenile Miranda Rights form will be used. This

card should be handed to the juvenile (and any adult present on his/her behalf) so that the juvenile can read it slowly and re-read it if necessary.

- c. When an adult acting on behalf of the juvenile is present, the officer shall read the Miranda warnings to the adult.
 - d. Some inquiries shall be made of the juvenile (and any adult present on his/her behalf) as to the juvenile's age, most recent level of schooling and education, whether [s]he has any reading disabilities or mental or emotional conditions and whether [s]he understands the words contained in each Miranda warning.
 - e. UNDER FOURTEEN: If the juvenile being interrogated is under the age of fourteen, he/she must be given an actual opportunity to have a meaningful consultation with an interested adult to discuss the Miranda warnings .
 - f. AGE 14 TO under 18: If the juvenile is over the age of fourteen and an interested adult is present, the adult shall be given a genuine opportunity to have a meaningful consultation with the juvenile.
4. Officers shall ensure that the interrogation is not unduly coercive, particularly when an interested adult is not present. [44.2.3(b)]
- a. The duration of each interrogation session should be limited and frequent breaks taken.
 - b. Absent extraordinary circumstances, only two officers shall be present at the interrogation.

NOTE: Massachusetts courts have not ruled on how long the interrogation session of a juvenile may continue before it becomes

unduly coercive. Whether an interrogation is unduly coercive such that a valid waiver of rights cannot be made, is a facts and circumstances inquiry and will be dependent on the age, intelligence and sophistication of the juvenile, as well as the circumstances of the interrogation.

5. **REPORTS:** Included in the arrest record will be the time in which each period of interrogation was commenced and completed, the officers present and the names of parents or responsible adults on hand.

F. Abused or Neglected Children [42.2.2.(b)]

1. A police officer who, in his/her professional capacity, has reasonable cause to believe a child under age 18 is suffering serious physical or emotional injury or death from abuse or neglect, including sexual abuse or malnutrition, shall immediately report such condition to the Department of Child and Families by oral communication, followed by a written report within 48 hours of the oral communication. Said report shall contain the following information:
 - a. The names and addresses of the child and parents or other person responsible for the child's care, if known;
 - b. The child's age;
 - c. The child's sex;
 - d. The nature and extent of the child's injuries, abuse, maltreatment or neglect;
 - e. The circumstances under which the officer first became aware of the child's condition;
 - f. The action taken, if any, to treat, shelter or otherwise assist

the child;

- g. The name of the officer making the report;
 - h. Any other information which the officer believes may be helpful in establishing the cause of the injuries; and
 - i. The identity, if known, of the person or persons responsible for such injuries.
- 2. Juveniles may be taken into custody in situations where the officer believes that the life or health of the child is in immediate danger. In such cases, the Department of Child and Families (DCF) shall be immediately contacted and requested to respond to the scene to take custody of the juvenile. If DCF does not respond to the scene in a reasonable amount of time, the juvenile may be transported to the station to await DCF.
 - 3. In serious cases of child neglect or abuse, the officer may apply to an appropriate juvenile court to have custody of a child under eighteen taken away from the parents or other neglectful or abusing custodian and have custody transferred, on an emergency basis, to DCF or a licensed child care agency or individual.

G. School Liaison and Youth Programs

- 1. The chief of police may establish and/or maintain a school liaison program and appoint one or more officers to do the following:
[42.2.4]
 - a. Act as a resource with respect to delinquency prevention;
 - b. Provide guidance on ethical issues in a classroom setting, as requested;

- c. Provide individual counseling and/or mentoring to students; and
- d. Explain to students the role of law enforcement in society.
- e. Officers should follow the Memorandum of Understanding Agreement between the Town of Stow Police Department and the Nashoba Regional School District and the Middlesex District Attorney's Office

H. Record Keeping

1. Officers who select noncustodial alternatives or engage in informal enforcement contacts with juveniles shall complete appropriate incident reports. These reports shall clearly identify the juveniles involved, the nature of the incident and the rationale for the officer's disposition.
2. Juveniles taken into custody for criminal-type offenses shall be subject to the same reporting requirements as adults. Such records, including photographs and fingerprints, shall be clearly marked "Juvenile" and will be separated from adult arrest records.
[82.1.1(a)(b)]

1

Common Victualler License
for Stow Brook Gulf d/b/a
Mug & Muffin



Town of Stow
Office of the
Town Administrator

380 Great Road
Stow, MA 01775
Tel: 978-897-2927

Denise M. Dembowski
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
asstownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembowski, Town Administrator

Re: Mug & Muffin CV License

Date: July 18, 2022

I support the approval of a Common Victualler License for the Mug & Muffin at 626 Great Road. As you know, until recently, there was a Dunkin Donuts at that location and since closing, the options for residents have been limited.

Mr. Hill has provided all necessary documentation. The lease that was provided was extended through mutual agreement with the property owner for an additional five (5) years and is set to expire at the end of 2022. There were no issues with the CORI check and the Nashoba Associated Board of Health has issued them their food permit.

None of the Departments had any questions or comments on the application.

I look forward to having the Mug & Muffin in Stow and I appreciate your consideration of my recommendation and look forward to discussing it further. Thank you.

THE COMMONWEALTH OF MASSACHUSETTS

**TOWN OF STOW
SELECT BOARD**

THIS IS TO CERTIFY THAT STOW BROOK GULF d/b/a MUG & MUFFIN
IS HEREBY GRANTED

A COMMON VICTUALLER'S LICENSE

in the Town of Stow at 626 Great Road and at that place only and expires December 31st, 2022,
unless sooner suspended or revoked for violation of the laws of the Commonwealth of
Massachusetts respecting the licensing of common victuallers. This license is issued in conformity
with the authority granted to the licensing authorities by General Laws, Chapter 140, and
amendments thereto.

Approved by: Select Board

**POST THIS LICENSE IN A CONSPICUOUS PLACE
THIS LICENSE MAY NOT BE SOLD, ASSIGNED, OR TRANSFERRED**

Year: 2022
Fee: \$25.00
Issued: 7/26/2022
License # 28



Town of Stow Select Board

*380 Great Road
Stow, MA 01775
978-897-4515
selectboard@stow-ma.gov*

COMMON VICTUALLER LICENSE SUBMISSION CHECKLIST

The following items are required when applying for a Common Victualler License. Incomplete submissions will not be accepted.

1. Completed Common Victualler License Application;
2. CORI Acknowledgment Form;
3. Workers' Compensation Insurance Affidavit: General Business;
4. If renting, a copy of the rental agreement signed by the property owner authorizing the business. If leasing, a copy of the signed lease authorizing the business.
5. Certificate of Insurance showing both workers' compensation (if applicable) and liability insurance, policy number, and effective date;
6. Payment of \$25.00 made payable to the Town of Stow.

Return completed application, and required documentation to the Select Board's Office.

Once the application has been submitted, the Health Agent will be scheduled for a site visit. Once approval is granted by the Health Agent, the license request will be added to the next available Select Board Meeting.



**TOWN OF STOW, MASSACHUSETTS
COMMON VICTUALLER LICENSE APPLICATION**

To The License Board of the Town of Stow:

The undersigned respectfully petitions that he/she be granted a Common Victualler's License upon the premises situated at:

Business Information:

Name: Stow Brook GOLF d/b/a MUG & MUFFIN

Address: 626 GREAT RD.

Town: STOW State/Zip: MA 01775

Telephone: 978-461-0795 Cell Phone: [REDACTED]

Email: STOWBROOK@GMAIL.COM

Name of Manager: DAVID HILL

Zoning Board Special Permit #: Business Permit #: _____

Owner Information: (if different from above)

Name: DAVID HILL

Address: 31 BROOKSIDE RD. Town: BRENTFORD State/Zip: MA 01730

Telephone: [REDACTED] Cell Phone: [REDACTED]

Email: STOWBROOK@GMAIL.COM

Type of Establishment: (check one)

Restaurant _____

Coffee Shop ☒

Other _____ (Describe)

Seating Capacity 0

Days & Hours of Operation: 7 DAY 5A-6P

Holder of Liquor License: Yes _____ No ☒

The issuance of a license herein is based in part from the presentation contained in the application, and any misrepresentation may be cause for revocation by the licensing authority.

Applicant must provide a copy of inspection certificates from the building inspector, health agent & fire department when picking up their license.

I hereby swear under the pains and penalties of perjury that the information I have given is true to the best of my knowledge and belief.

Signature: Di A Date: 2/15/22

Pursuant to MGL Ch. 62C, Sec. 49A: I certify under the pains and penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns and paid all State taxes required under law.

Signature of Applicant: Di A

Signature of Corporate Officer (if a Corporation): _____

Federal ID or Soc. Sec. #: [REDACTED]

A Certificate of Insurance showing evidence that the applicant has Workers' Compensation Insurance and General Liability Insurance must be included with this completed application.

No Common Victualler License will be approved until the applicant addresses all issues and/or concerns to the satisfaction of the Select Board, and no CVL will be issued until all required inspections have been conducted, permits granted, and final approvals given by the Building Department, Health Agent and Fire Department.

APPROVED BY THE SELECT BOARD

DATE: _____

Green Advisory Committee

Proposal to eliminate fossil fuels in municipal buildings

Stow Green Advisory Committee

Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

What:

A policy for Stow Municipal Buildings:

1. New municipal buildings shall not employ fossil fuels for heating or hot water. Exceptions will be considered for backup and emergency uses or where elimination of fossil fuels is not feasible or practicable.
2. For major renovations of existing municipal buildings, or when the HVAC system of an existing municipal building requires replacement, eliminating or significantly reducing the use of fossil fuels for that building will be incorporated where practical.

Stow Green Advisory Committee Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

Why:

1. Meet Massachusetts law requiring that statewide greenhouse gas emissions be reduced by 50% by 2030 and achieve net zero by 2050. (An Act Creating a Next-Generation Climate Roadmap for Massachusetts Climate Policy)
2. Buildings represent 30% of greenhouse gas emissions statewide.
3. All buildings in Stow represent 50% of greenhouse gas emissions in town.

Stow Green Advisory Committee Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

Why now:

1. The town should “lead by example” as we plan for major additions of new housing and retrofits to existing housing.
2. The right time to eliminate the use of fossil fuels is when a building is constructed. After construction, the HVAC system will not be replaced for 15 or more years, and it will be significantly more expensive to retrofit to a fossil-fuel free system.

Stow Green Advisory Committee Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

Benefits:

1. Fossil fuel free buildings are the right environmental decision.
2. Construction costs are similar with fossil fuels or electric heat pumps.
3. Green Community grants are available for all-electric new municipal construction.
4. Heating and cooling with electric heat pumps is less expensive than gas, fuel oil, or propane and avoids volatility of fossil fuel prices.

Stow Green Advisory Committee

Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

Suggested Policy Wording:

The Stow Select Board recognizes the dangers posed by climate change as well as the opportunities for creating a sustainable future and thriving community.

The Stow Select Board adopts for the Town of Stow the statewide greenhouse gas emissions reduction targets as specified in the climate legislation, An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy.

We further recognize that buildings represent nearly half the greenhouse gas emissions in Stow. The Town of Stow should set an example of how greenhouse emissions can be reduced by not employing additional fossil fuels.

Therefore, the Select Board adopts the following policy for Stow municipal buildings:

New municipal buildings shall not employ fossil fuels for heating or hot water. Exceptions will be considered for backup or emergency uses or where elimination of fossil fuels is not feasible or practicable.

For major renovations of existing municipal buildings or when the HVAC system of an existing municipal building requires replacement, eliminating or significantly reducing the use of fossil fuels for that building will be incorporated where practical.

Stow Green Advisory Committee Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

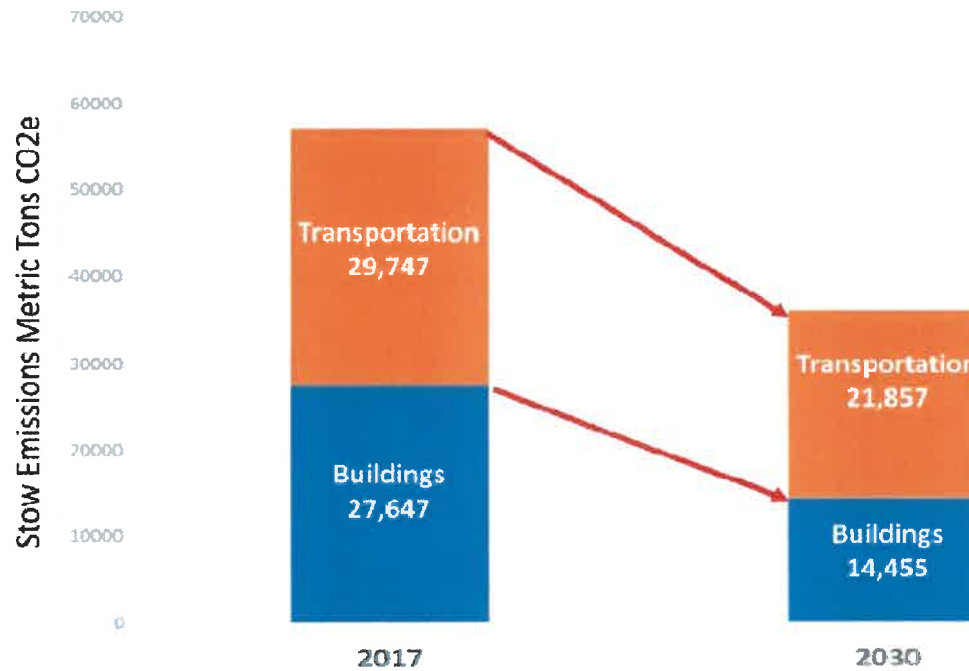
Additional Information

1. Stow Greenhouse Gas Inventory
2. Operating cost and greenhouse gas emissions comparison
3. Costs and grants.
4. Example – Stow Police

Stow Green Advisory Committee

Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

Stow Greenhouse Gas Inventory



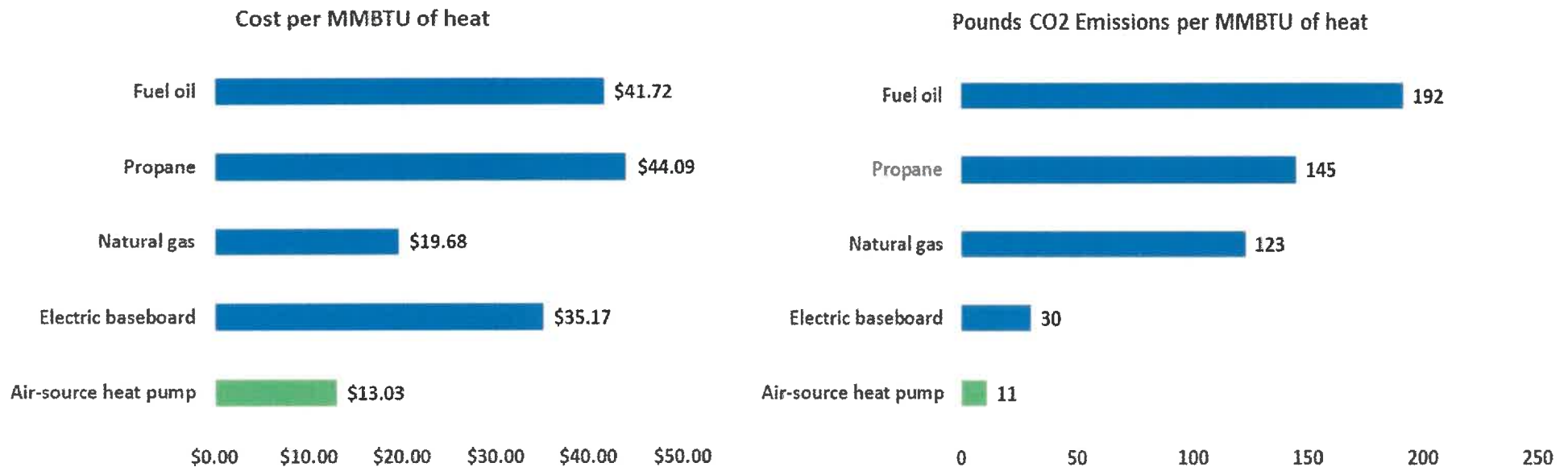
Stow Greenhouse Gas Inventory 2017 and 2030 draft targets

(2017 baseline developed with support from MAPC)

Stow Green Advisory Committee

Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

Operating Cost and Greenhouse Gas Comparison



Costs: fuel oil - \$5/gallon, propane - \$4/gallon, gas - \$1.87/therm, electricity - \$0.12/kWh

Efficiencies: fuel oil - 85%, propane - 95%, gas - 95%, electric baseboard - 100%, air-source heat pump - 270%

Stow Green Advisory Committee Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

Building costs and grants

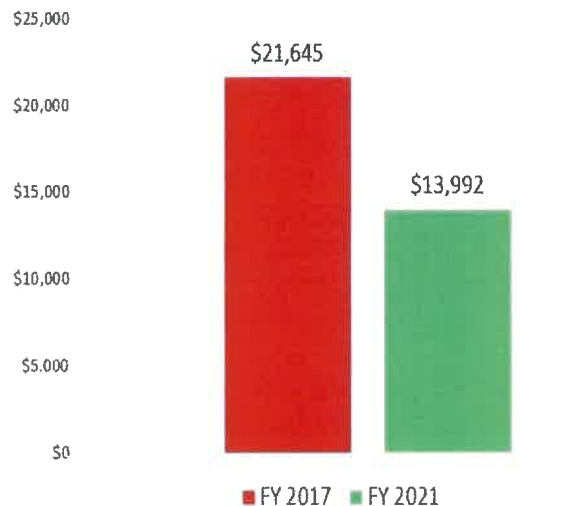
1. The state's analysis showed construction cost of energy efficient office buildings and schools are similar with all-electric versus gas heating.¹
2. Green Communities grants available for all-electric municipal construction
3. Stow has received \$388,000 in Green Communities grants for municipal building retrofits – Police, Town Building, Highway Dept Office.
4. Hudson Light & Power has an annual \$30,000 incentive for municipal energy efficiency measures.

1. DOER Summary of Stretch Code Study Energy Efficiency Analysis: <https://www.mass.gov/doc/summary-of-stretch-code-study-energy-efficiency-analysis-feb-2022/download>

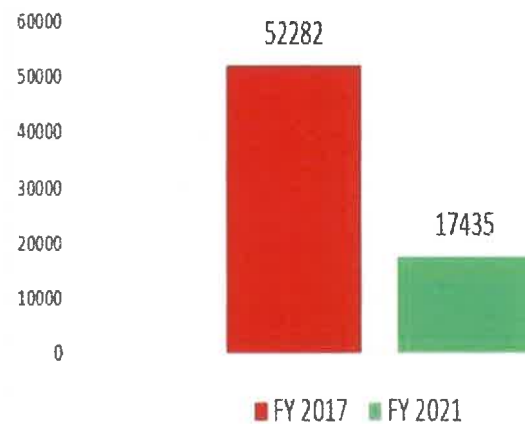
Stow Green Advisory Committee Policy to Not Employ Fossil Fuels for New Municipal Buildings, Major Renovations, or HVAC Upgrades

Example – Stow Police Heat Pump Retrofit

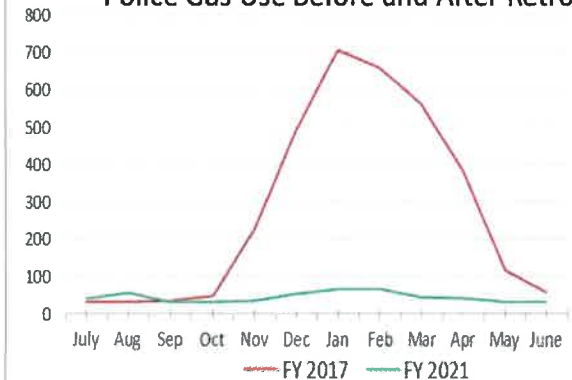
Operating Cost Before and After Retrofit



Greenhouse Gas Emissions Before and
After Retrofit (pounds CO2)



Police Gas Use Before and After Retrofit



Notes.

1. Includes total annual gas and electric use – equipment and lighting as well as heating and cooling
2. Uses current prices for natural gas and electricity.

Ride to Defeat ALS Bike Ride
Sunday, September 18, 2022

Joyce Sampson

From: Myke Farricker <mykefarricker@gmail.com>
Sent: Thursday, June 30, 2022 5:38 PM
To: selectboard; Joyce Sampson
Subject: 2022 - Stow - Permit Request for Ride to Defeat ALS on Sunday September 18
Attachments: 2022_Ride_to_Defeat_ALS_-_100_KM_v4.pdf; 2022_Ride_to_Defeat_ALS_-_50_Mile_v3.pdf; Stow 2022 Cert of Insurance Ride to Defeat ALS.pdf

Phoebe and Joyce - Hello again! Hope you're both doing well. It's that time of year again. I'm writing to request a permit for this year's 2022 Ride to Defeat ALS bike ride (formerly known as the Positive Spin for ALS) to raise money for research and patient care for those afflicted with ALS, or Lou Gehrig's disease. Over the past 22 years of our ride, we've raised over \$2.5 million in donations.

Here is the information for the ride -

- It will take place on Sunday, September 18th.
- Our ride is sponsored and insured again this year by the Massachusetts Chapter of the National ALS Association.
- It begins and ends at The Longfellow Tennis & Health Club, 524 Boston Post Road in Wayland, with starting times of 7:00 a.m.(100 KM), 9:00 am (50 miles), 10:00 am (25 miles), and 11:00 am (10 miles).
- I've attached the 2022 cue sheets and maps for the 50 mile and 100 KM rides, and a copy of the current Certificate of Insurance for the Town of Stow.

The riders in the 50 miles and 100 KM rides will be the riders coming through Stow. By the time they get to Stow, they will be spaced out in groups of 1-3 riders usually. So there shouldn't be a big group of riders coming through Stow at any one time.

We will be putting up road signs in the ground again this year as we have done in all the past years. We will be putting the signs up the day before the ride, Saturday, September 17th, and we will take all the signs down at the end of the day of the ride, Sunday, September 18th. The signs will be put on metal stakes into the ground - we will not be attaching any signs to any trees or poles.

Thank you for your help again this year and in the previous years. Everyone in Stow has been such a big supporter of the ride over the years. Please let me know if you need anything else from me, and if I need to send this permit request to anyone else in the Town of Stow government. And please let me know that you have received this permit request. Thank you.

Hope all is well.

Take care,

Myke Farricker
Co-Chair of the 2022 Ride to Defeat ALS Bike Ride (formerly known as the Positive Spin for ALS)

Myke Farricker, General Manager, Longfellow Health Clubs, Wayland & Natick, MA

Longfellow Tennis & Health Club, Wayland	524 Boston Post Road, Wayland, MA 01778	508.358.7355
Longfellow Health Club, Natick	203 Oak St, Natick, MA 01760	508.653.4633
Longfellow Tennis Club, Natick	16 Michigan Drive, Natick, MA 01760	508.653.4606



**Town of Stow
POLICE DEPARTMENT**

305 Great Road
Stow, Massachusetts 01775

(978) 897-4545
FAX (978) 897-3692

Michael Sallese
Chief of Police

**STOW POLICE DEPARTMENT
OPERATIONAL PLAN**

**305 GREAT ROAD
STOW, MA 01775
978-897-4545**

TRAFFIC PLAN

Prepared by Chief Sallese

2022 Ride To Defeat ALS

Sunday September 18, 2022

On September 18, 2022 the Massachusetts Chapter of the National ALS Association is having their annual Positive Spin for ALS Bike Ride. The Stow Police Department has developed a traffic plan to help ensure a safe race for all. Officers will be given a copy of this traffic plan and assigned positions by the Officer in Charge.

Officers will be cognizant of the ride coming through town with the increased traffic due to fall activities throughout town.

- It will take place on Sunday, September 18th.
- The ride is sponsored and insured again this year by the Massachusetts Chapter of the National ALS Association.
- It begins and ends at The Longfellow Club in Wayland, with starting times of 7:00 a.m.(70 miles), 9:00 am (50 miles), 10:00 am (25 miles), and 11:00 am (10 miles).
- Attached are the sheets for the 50 and 70 mile rides, as well as a copy of the Certificate of Insurance for the Town of Stow which are the only rides that will be coming through the Town of Stow.

Pre-Event Meeting at 6:45am the day of the race at the Stow Police Department, Day Shift Officers will be given a copy of the map and their assignments to assist if needed.

Pre-Race Preparations

Stow Police Department will Facebook and Twitter Race, route and other traffic delays to public.

Signs:

Road signs will be placed in the ground the day before the ride Saturday September 17th, the signs will be taken down by the end of the day on Sunday September 18 by the organizers. The signs will be metal spikes that will be placed in the ground.

****Maps of the races will be printed and placed in dispatch for officers to know the route.**

50 mile ride and 70 mile ride

-70 Mile ride starts at 7:00AM leaving the Longfellow club in Wayland Orange Markers*

-50 Mile ride starts at 9:00AM leaving the Longfellow club in Wayland Blue Markers*

- Both rides once they arrive in Stow will small groups of riders varying from groups of 1-3 riders.

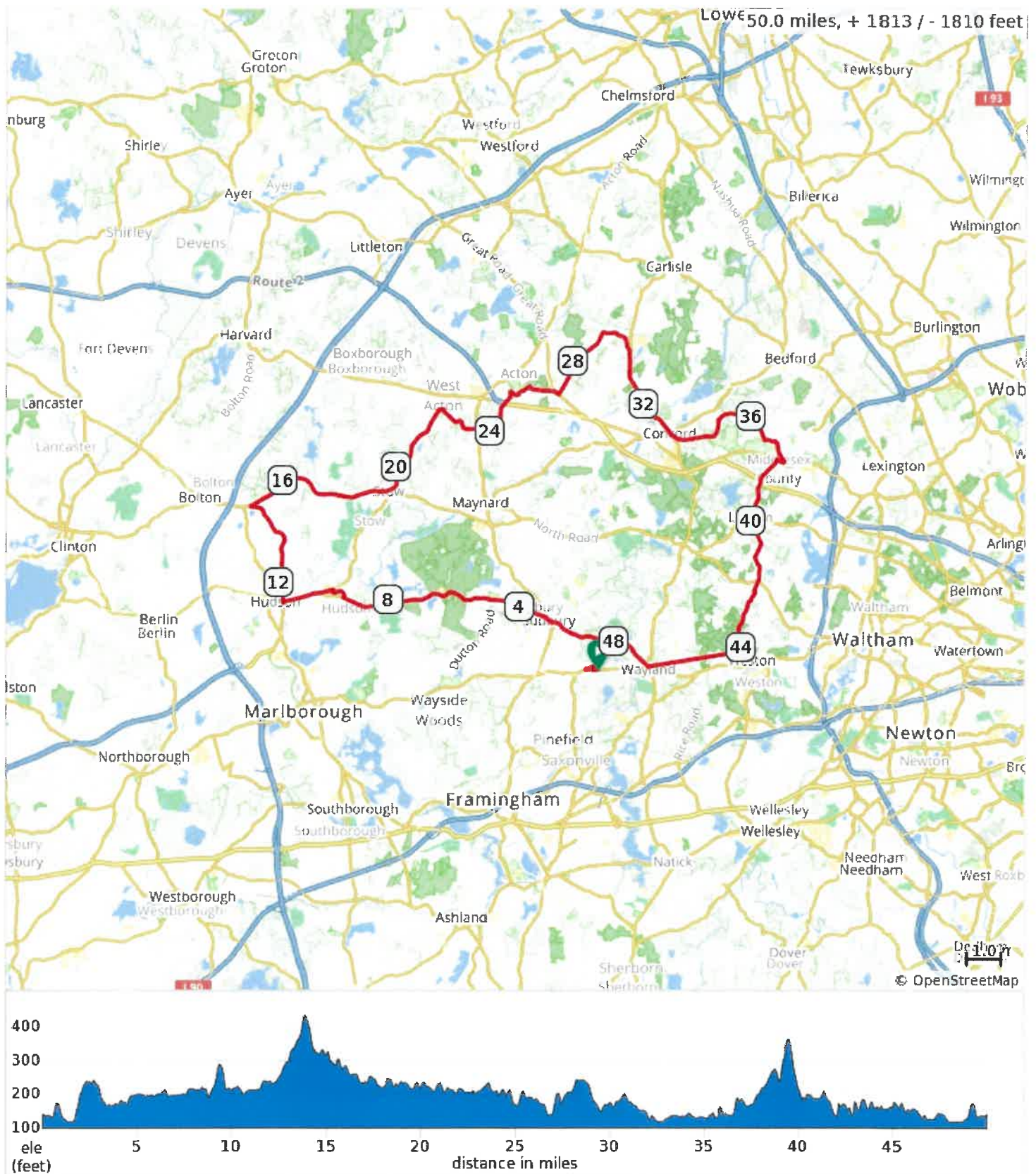
Patrol 1- monitor the flow of traffic once the ride enters Stow.

Patrol 2- monitor the flow of traffic once the ride enters Stow. Patrol 2 is also responsible for travelling the route and assisting the riders in the event there are any services required.

Details: there are no details scheduled for this event

Notifications: notifications will be made to the public through the Stow Police Departments Facebook/Twitter pages.

2022 Ride to Defeat ALS - 50 Mile v3



2022 Ride to Defeat ALS - 50 Mile v3

Dist	Type	Note
0.0		Start of route
0.0		R onto Minuteman Road
0.0		R onto Boston Post Road, US 20
0.4		Sharp R onto Old County Road
1.1		Keep R onto River Road
1.2		Sharp L onto River Road
1.2		Keep L onto Water Row
1.5		Keep R onto Water Row
1.5		Sharp L onto Water Row
1.5		Make a U-turn onto Water Row
1.5		Keep L onto Old Sudbury Road, MA 27
5.0		Keep R onto Hudson Road
5.0		Sharp R onto Hudson Road

5.0 miles. +228/-170 feet

Dist	Type	Note
6.6		Keep R onto Sudbury Road
6.7		Sharp L onto Sudbury Road
6.7		Make a U-turn onto Sudbury Road
6.7		Slight L onto State Road
9.4		R onto Orchard Drive
9.9		R onto Wilkins Street, MA 62
9.9		R
11.5		R onto Broad Street
11.5		Continue onto Manning Street
13.2		Keep L onto Long Hill Road
13.3		Sharp L onto Long Hill Road
13.3		L onto Long Hill Road
14.8		R onto Main Street, MA 117
16.8		Keep R onto Great Road, MA 117

11.8 miles. +453/-411 feet

Dist	Type	Note
17.4		Sharp L onto Great Road, MA 117
17.4		Make a U-turn onto Great Road, MA 117
19.2		Keep L onto Crescent Street
19.5		Keep L onto West Acton Road
19.7		Continue onto West Acton Road
22.0		Keep L onto Willow Street
22.1		Sharp L onto Willow Street
22.1		Make a U-turn onto Willow Street
22.1		R onto Summer Street
22.3		R onto Central Street
23.6		Slight R onto Main Street, MA 27
23.7		L onto School Street

6.8 miles. +179/-209 feet

Dist	Type	Note
24.1		L onto Piper Road
25.3		Keep R onto Taylor Road
25.4		Sharp L onto Taylor Road
25.4		R onto Minot Avenue
26.1		R onto Concord Road
26.8		R onto Great Road, MA 2A, MA 119
27.0		L onto Pope Road
28.2		Keep R onto Pope Road
28.2		Sharp R onto Pope Road
28.2		Make a U-turn onto Pope Road
29.2		R onto Spencer Brook Road
29.6		Continue onto Westford Road
30.2		Keep R onto Westford Road
30.3		Sharp L onto Westford Road

6.6 miles. +251/-276 feet

Dist	Type	Note
30.3	→	R onto Lowell Road
32.2	↖	Keep L onto Lowell Road
32.3	↗	Sharp R onto Lowell Road
32.3	↻	Make a U-turn onto Lowell Road
32.7	→	R
32.7	←	L
32.8	←	L onto Keyes Road
32.8	→	R onto Lowell Road
33.2	↗	Slight R onto Lexington Road
33.3	↑	Continue onto Lexington Road
34.4	↖	Keep L onto Old Bedford Road
34.9	→	R onto Virginia Road
35.4	↖	Keep L onto Virginia Road
35.5	↗	Sharp R onto Virginia Road

5.2 miles. +85/-121 feet

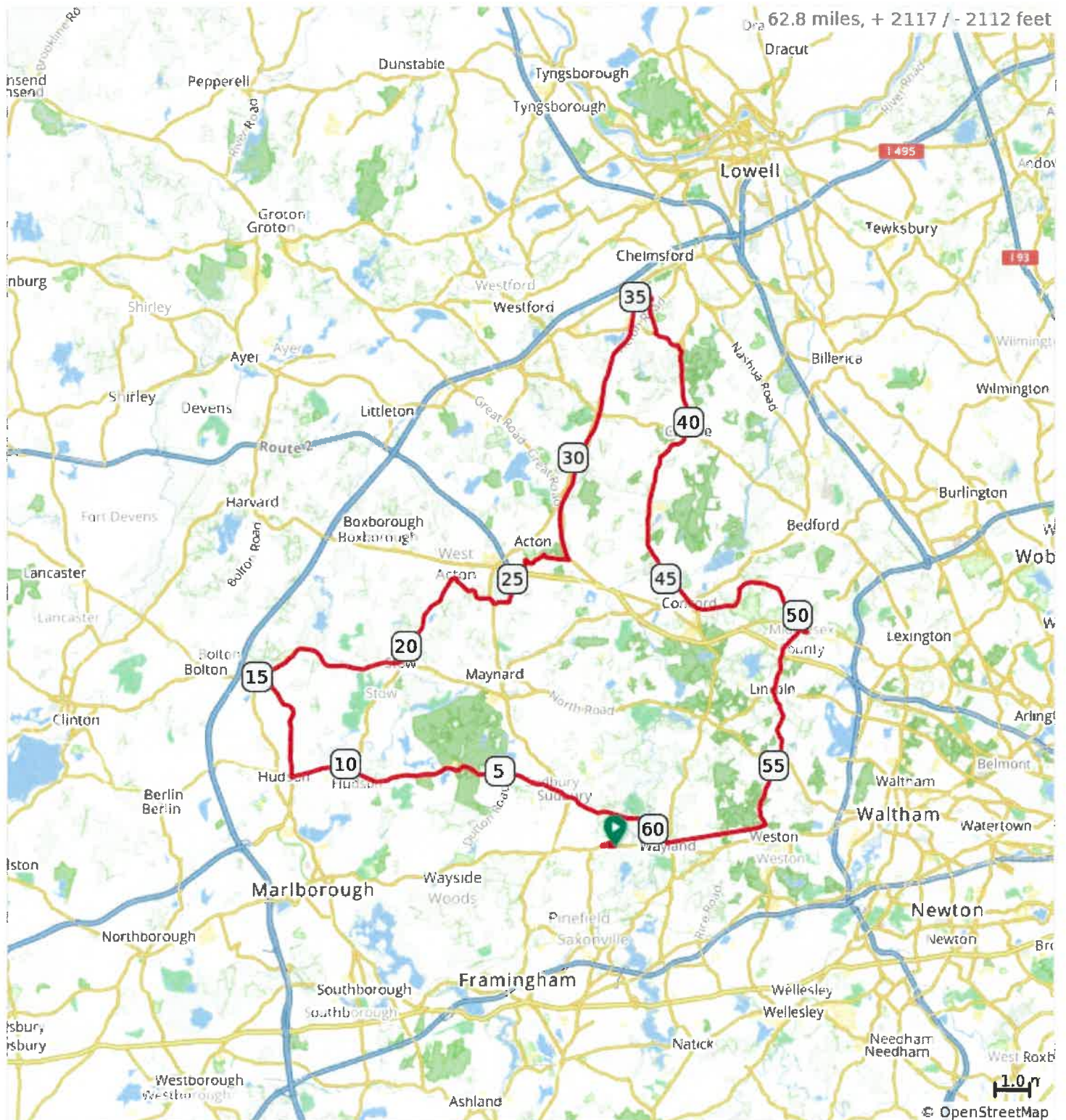
Dist	Type	Note
35.5	↻	Make a U-turn onto Virginia Road
37.0	↗	Keep R onto Old Bedford Road
37.7	↗	Keep R
37.7	↗	Slight R onto North Great Road, MA 2A
37.9	←	L onto Bedford Road
39.8	←	L onto Weston Road
40.2	↗	Keep R onto Weston Road
40.3	↖	Sharp L onto Weston Road
40.4	↗	Keep R onto Weston Road
40.7	↖	Sharp L onto Weston Road
40.7	↻	Make a U-turn onto Weston Road
40.7	↗	Slight R onto Weston Road
41.4	↗	Keep R onto Weston Road

6.0 miles. +360/-301 feet












Dist	Type	Note
41.6	↖	Sharp L onto Weston Road
41.6	↻	Make a U-turn onto Weston Road
43.6	↖	Slight L onto Concord Road
43.9	↖	Keep L onto Concord Road
44.0	→	R onto Mass Central Rail Trail -- Wayside
46.8	→	R onto Cochituate Road, MA 27, MA 126
48.5	↖	Sharp L onto Water Row
48.8	↗	Keep R onto Water Row
48.8	↗	Slight R onto River Road
49.6	←	L onto Boston Post Road, US 20
50.0	←	L onto Minuteman Road
50.0	📍	End of route

8.5 miles. +258/-294 feet
















2022 Ride to Defeat ALS - 100 KM v4
















2022 Ride to Defeat ALS - 100 KM v4

Dist	Type	Note
0.0		Start of route
0.0		R onto Minuteman Road
0.1		R onto Boston Post Road, US 20
0.4		Sharp R onto Old County Road
1.2		Keep L onto Water Row
1.5		Slight L onto Old Sudbury Road, MA 27
6.0		Sharp L
6.0		L
6.3		R
6.3		L onto Hudson Road
6.9		Keep R onto Sudbury Road
7.0		Sharp L onto Sudbury Road
7.0		Make a U-turn onto Sudbury Road














7.0 miles. +262/-206 feet

Dist	Type	Note
7.0		Slight L onto State Road
9.7		R onto Orchard Drive
10.2		R onto Wilkins Street, MA 62
10.2		L
11.7		R onto Broad Street
11.8		Continue onto Manning Street
13.6		L onto Long Hill Road
15.0		R onto Main Street, MA 117
18.1		R onto Orchard Drive
18.1		L
18.2		L
18.2		R onto Great Road, MA 117
19.4		Keep L onto Crescent Street
19.7		Keep R onto Crescent Street
19.7		Sharp L onto Crescent Street

12.7 miles. +528/-510 feet

Dist	Type	Note
19.8		Keep L onto West Acton Road
20.0		Continue onto West Acton Road
20.2		Make a U-turn onto West Acton Road
20.2		Sharp L onto West Acton Road
22.2		Keep L onto Willow Street
22.4		Sharp L onto Willow Street
22.4		R onto Summer Street
22.5		R onto Central Street
23.4		Keep R onto Central Street
23.5		Sharp R onto Central Street
23.8		Keep R onto Central Street
23.8		Sharp L onto Central Street
23.8		Make a U-turn onto Central Street

4.1 miles. +131/-111 feet

Dist	Type	Note
23.9		Slight R onto Main Street, MA 27
23.9		L onto School Street
24.4		L onto Piper Road
25.6		Keep R onto Taylor Road
25.7		Sharp L onto Taylor Road
25.7		Make a U-turn onto Taylor Road
25.7		R onto Minot Avenue
26.4		R onto Concord Road
27.0		Keep L onto Concord Road
27.1		Sharp R onto Concord Road
27.1		Make a U-turn onto Concord Road
27.1		Sharp L onto Bruce Freeman Rail Trail
29.9		R onto Bruce Freeman Rail Trail

6.0 miles. +140/-196 feet

Dist	Type	Note
30.9	↑	Continue onto Bruce Freeman Rail Trail
33.3	↑	Continue onto Bruce Freeman Rail Trail
34.0	↗	Keep R onto Bruce Freeman Rail Trail
34.2	↘	Sharp R onto Bruce Freeman Rail Trail
34.2	↻	Make a U-turn onto Bruce Freeman Rail Trail
34.7	↗	Keep R onto Bruce Freeman Rail Trail
34.8	↘	Sharp R onto Bruce Freeman Rail Trail
34.8	↻	Make a U-turn onto Bruce Freeman Rail Trail
35.4	↙	Sharp L onto High Street
35.4	↘	Sharp R onto Bruce Freeman Rail Trail

5.5 miles. +91/-86 feet

Dist	Type	Note
35.4	→	R onto High Street
35.5	→	R onto Locust Road
35.9	↗	Slight R onto Locust Road
35.9	↗	Slight R onto Byam Road
35.9	←	L onto Barton Hill Road
36.9	↙	Sharp L onto Proctor Road
37.9	↘	Sharp R onto Lowell Street
38.0	↗	Keep R onto Lowell Street
38.2	↙	Sharp L onto Lowell Street
38.2	↻	Make a U-turn onto Lowell Street
40.2	↑	At roundabout, take exit 1 onto Westford Road, MA 225
40.2	↙	Keep L onto Concord Street
43.0	↗	Keep R onto Lowell Road
43.1	↙	Sharp L onto Lowell Road






7.7 miles. +330/-338 feet

Dist	Type	Note
43.1	↻	Make a U-turn onto Lowell Road
45.0	↙	Keep L onto Lowell Road
45.1	↘	Sharp R onto Lowell Road
45.9	↗	Slight R onto Lexington Road
46.1	↑	Continue onto Lexington Road
47.2	↙	Keep L onto Old Bedford Road
47.7	←	L onto Virginia Road
49.4	↗	Keep R onto Virginia Road
49.5	↘	Sharp R onto Virginia Road
49.5	↻	Make a U-turn onto Virginia Road
49.8	↗	Keep R onto Old Bedford Road
50.5	↘	Sharp R onto North Great Road, MA 2A

7.4 miles. +209/-199 feet

Dist	Type	Note
50.7	←	L onto Bedford Road
52.6	←	L onto Weston Road
53.4	↗	Slight R onto Weston Road
54.5	↗	Keep R onto Lincoln Street
54.6	↙	Sharp L onto Lincoln Street
54.6	↻	Make a U-turn onto Lincoln Street
56.3	↙	Slight L onto Concord Road
56.7	↙	Keep L onto Concord Road
56.7	→	R onto Mass Central Rail Trail -- Wayside
59.5	→	R onto Cochituate Road, MA 27, MA 126
60.9	↗	Keep R onto Old Sudbury Road, MA 27
61.2	↘	Sharp R onto Old Sudbury Road, MA 27
61.3	↙	Sharp L onto Water Row

10.8 miles. +424/-512 feet

Dist	Type	Note
61.6		Keep R onto Water Row
61.6		Slight R onto River Road
62.4		L onto Boston Post Road, US 20
62.7		L onto Minuteman Road
62.8		End of route

1.5 miles. +62/-43 feet

Board and Committee Code of Conduct Policy



Town of Stow Board & Committee Member Code of Conduct

Adopted _____

I. PURPOSE

The Town recognizes that all individuals elected and/or appointed by the Town must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town.

II. APPLICABILITY

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media.

III. CODE OF CONDUCT

All Town elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the Town and the welfare of its residents.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Administrator or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

A. Conduct Generally and in Relation to the Community

- Be well informed concerning the local and state duties of a board/committee member.
- Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- Cooperate with the Chair of the committee in the conduct of meetings.

- Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard confidential information.
- Conduct yourself so as to maintain public confidence in our local government.
- Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- Comply as fully as possible with all Town policies, including, without limitation, the following:
 - Harassment and Sexual Harassment Policy
 - Anti-fraud Policy
 - Workplace Violence Policy
 - Pregnancy and Pregnancy Related Conditions Policy
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law
 - Procurement Laws
 - The Ethics/Conflict of Interest Statute (G.L. c.268A).

B. Conduct in Relation to other elected and appointed officials

- Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.

- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.

C. Conduct in Relation to the Town Administrator

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Administrator full responsibility for discharging his or her disposition and/or solutions.
- Refrain from giving orders or directions to the Town Administrator for action as an individual board/committee member.
- Refrain from providing information to the Town Administrator that you would not be willing to share with other board/committee members.

D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Refrain from giving instructions to or requesting assistance from Town staff but rather channel all such activities through the Town Administrator.
- Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.
- Officials who interact with Town staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

IV. **DISTRIBUTION AND EDUCATION**

- The Town shall provide a copy of this policy, and all other pertinent policies to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual.
- Each individual shall sign a statement that they have or will read these policies and will comply with all requirements set forth. In the event that any member declines to sign the statement form, that fact shall be noted by the Town Clerk or Select Board's Office on the form.

V. ENFORCEMENT

A. Generally

In addition to any other remedies or enforcement options available under the law, each board/committee may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.

If any elected or appointed official is accused of violating the Town's Anti-Harassment and Anti-Discrimination Policy, the Town Administrator shall refer the matter for investigation to the contact named in the Anti-harassment and Anti-Discrimination policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Administrator shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the elected official's board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.

If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the board/committee that the official represents or if applicable the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon request of the Town Administrator or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.

Town of Stow

*380 Great Road
Stow, MA 01775*

BOARD & COMMITTEE CODE OF CONDUCT

Acknowledgement of Receipt

Print Name: _____

Board/Committee Name: _____

By signing my name below, I am acknowledging that I have received, read, had the opportunity to ask questions about, and have been advised that I am responsible for complying with the Town of Stow's **Board & Committee Code of Conduct**. I understand this signature sheet will be kept on file in the Select Board Office.

I understand that I will be held responsible for complying with the provisions of this policy and understand that any actions which are found to violate the terms of this policy may result in formal censure or removal from the Board/Committee if appointed.

Board Member Signature: _____ Date: _____

Vote to designate members of
the Randall Library Building
Exterior Design Committee as
Special Municipal Employees

MINUTES

Select Board Meeting Minutes
Tuesday, July 12, 2022
Stow Town Building & Zoom

Present in the Warren Room: Megan Birch-McMichael, Ellen Sturgis, Ingeborg Hegemann Clark, Cortni Frecha, and Town Administrator Denise Dembkoski

Chair Birch-McMichael called the meeting to order at 7 p.m. and noted that the meeting is being recorded.

Public Comment: None

Board Member Comments:

Ms. Sturgis noted that Claire “Peg” Kennedy recently passed away. She was the town’s oldest citizen, and was the recipient of the Boston Post Cane. Mrs. Kennedy was given the cane in 2020 during Covid, and the Council On Aging arranged a car parade in her honor. (The Boston Post Cane is given to the oldest resident of the town, in a tradition that dates back to 1909 when the now defunct Boston Post newspaper distributed the walking canes to 700 New England towns.)

Town Administrator (TA) Report

- As of July 7th there are 8 positive Covid cases in town, or a 2.51% positivity rate.
- The TA thanked former resident Sassy Parker for her candid conversation regarding LGBTQ rights which was Thursday, June 23rd at the Community Center. There was a great turnout and everyone who attended found it to be very informative.
- Nomination papers are available for the September 6th Special Town Election. Mail-in ballots and early voting will be available; more information will be coming soon. The last day to take out papers is Friday, July 15th and the deadline to return them is Tuesday, July 19th at 5 p.m.
- The TA gave an update on the Open Meeting Law provision allowing fully remote meetings; it is set to expire at 12:01 a.m. on Friday, July 15th. Without an extension, boards must start meeting with at least a quorum in person. The TA has given board and committee chairs language from town counsel to add to their agendas if they are currently having fully remote meetings.
- The new telephone system has been installed and is functioning. We appreciate everyone’s patience during this transition.
- The Request for Qualifications (RFQ) for the Owner’s Project Manager (OPM) for the library project is out on the market and proposals are due in early August. Once the OPM is under contract the RFQ for the full design will be finalized and posted.

Appointment to the Lake Boon Commission (LBC)

The vacancy on the LBC was posted on May 16th and there was one applicant, Daniel Tereau. The TA shared the application with Dan Barstow of the LBC. The office has received two objections to this appointment.

Daniel Tereau was present via Zoom. He gave a brief background of his qualifications and said that different views always have a place, but you try to find common ground as a community.

Dan Barstow, 99 Pine Point Road, spoke in support of the appointment personally, and not as a representative of the LBC. He thanked Kris Krablin, who recently resigned from the LBC, for her years of service.

Board member Frecha moved to appoint Daniel Tereau to the Lake Boon Commission, to fulfill the remainder of a three-year term expiring June 30, 2023. Board member Hegemann seconded the motion and it passed unanimously.

Appointment to the Zoning Board of Appeals

Andrew Crosby was present via Zoom. He is an associate member and would like to contribute as a full member of the board.

Board member Frecha moved to appoint Andrew Crosby as a full member of the Zoning Board of Appeals, to fulfill the remainder of a five-year term expiring June 30, 2025. Board member Hegemann seconded the motion and it passed unanimously.

Appointment of Call Firefighter/EMT

Judson Swinimer has resigned as a full-time firefighter but would like to stay on as a call firefighter/EMT.

Board member Frecha moved to appoint Judson Swinimer to the position of Call Firefighter/EMT through June 30, 2023. Board member Hegemann seconded the motion and it passed unanimously.

Permit for Stow Conservation Trust Bike for the Woods

Jim Salvie was present via Zoom. Mr. Salvie said this ride has been done in previous years. It is a family-friendly charity ride to benefit the Stow Conservation Trust

Board member Frecha, with the approval of public safety officials, moved to approve the use of Stow public ways for the Stow Conservation Trust "Bike for the Woods" on Sunday, August 28, 2022 from 9 a.m. to 12 noon. Board member Hegemann seconded the motion and it passed unanimously.

Request for Stop Sign at Garner Road and Harvard Road

Police Chief Michael Sallese was present as a representative of the Traffic Safety Advisory Committee (TSAC) to discuss the request for a stop sign that was brought to the TSAC by a resident. Chief Sallese said there is a large area of pavement at this intersection and no traffic control devices. If the Select Board approves this, there will be notification to the public for 2 weeks and then the Highway Department will put up the traffic sign and it will become a regulated intersection. The Board discussed having a sign alerting drivers to a new traffic pattern, or similar, being on the roadside prior to the intersection.

Board member Frecha moved to approve the request by the Traffic Safety Advisory Committee to place a Stop Sign at the intersection of Garner Road and Harvard Road. Board member Hegemann seconded the motion and it passed unanimously.

Stow Acres North Course Purchase & Sale Agreement

This is the next step in the Stow Acres process. If the Town does not receive the grant that it has applied for, there are contingencies in the agreement.

Board member Frecha moved that Select Board members sign the Purchase & Sale Agreement for the North Course of Stow Acres, as presented at this meeting. Board member Hegemann seconded the motion and it passed unanimously.

Highway Department Collective Bargaining Agreements

Last fall the Highway Department voted to unionize with the Teamsters, and negotiations began at the beginning of the calendar year. The one-year agreement was for fiscal year 2022. The three-year agreement is more comprehensive. One of the plusses of the contract is training benefits provided by the Teamsters, including CDL training and safety training which would be onsite for the department. There is an opt-out for the highway and cemetery employees, who would still be under the contract but not represented by the union.

Board member Frecha moved to ratify the new One (1) Year and Three (3) Year Collective Bargaining Agreements for the Highway Department Teamsters Union, as presented at this meeting. Board member Hegemann seconded the motion and it passed unanimously.

Disposition of Surplus – Planning Department

The TA said there is a new plotter in the copy room where everyone has access to it. The Planning Department would like to dispose of their malfunctioning plotter that is no longer being used.

Board member Frecha moved to approve the request from the Planning Department for the Disposition of Surplus, namely a 2011 Hewlett-Packard wide format plotter no longer used by the department. Board member Hegemann seconded the motion and it passed unanimously.

Special Event Permit and Guidelines

The Board agreed with the additions that were made to the policy as requested at the prior Select Board meeting.

Board member Frecha moved to approve the Special Event Permit and Guidelines as presented at this meeting to include fees of zero for non-profit organizations and \$50 for for-profit organizations. Board member Hegemann seconded the motion for discussion.

Members of the public in attendance and via Zoom offered comments about the guidelines.

Town Clerk Linda Hathaway asked that the term “raffle license” be changed to “raffle permit” under “Additional Permitting and Cost Requirements.”

The Board discussed the “Attendance” section and increased the amount of people that may be at the event from 20 to 35. The motion was amended by Ms. Frecha as follows:

Board member Frecha moved to approve the Special Event Permit and Guidelines with the following amendments:

- *the number of attendees which will require a permit will be 35 or more, and*
- *the term ‘raffle license’ will be changed to ‘raffle permit’;*

and the permitting guidelines will include fees of zero for non-profit organizations and \$50 for for-profit organizations. Board member Hegemann seconded the motion and it passed unanimously.

Code of Conduct Policies

At the June 21, 2022 Select Board meeting it was recommended that the Code of Conduct Policy be sent out with all board and committee reappointment letters. However, the current policy is specific only to the Select Board. The Town's insurance company, MIIA, has written a policy that is endorsed by the MA Municipal Association (MMA) for board and committee members. Additionally, the Town Administrator has drafted an Employee Code of Conduct Policy which references the MA Inspector General's (IG) Code of Conduct for Public Employees, and a Visitors Code of Conduct Policy which was recommended by our insurance company.

The Board discussed adapting the current Select Board Code of Conduct to all boards and committees. The Board discussed sending the draft to all boards and committees for input.

Members of the public in attendance offered comments about the policy. Deb Woods, who has submitted her name for the Charter Review Committee, and Hector Constantzos, candidate for Select Board, both said they would not sign this code of conduct if approved.

Board member Frecha moved to table the Board and Committee Code of Conduct policy. Board member Hegemann seconded the motion and it passed unanimously.

Employees are not required to sign the IG's policy; this new Employee Code of Conduct Policy will place an acknowledgement in an employee's file stating that they have read and understand the Town's new policy. The Board suggested it be modified to state "paid employees." Members of the public in attendance offered comments about the policy. Conservation Director Kathy Sferra was present via Zoom and said that employees have not seen this draft and have not been given the chance to give feedback.

Board member Hegemann moved to table the discussion of the Employee Code of Conduct policy for further review and review of the state's code (of conduct). Board member Frecha seconded the motion and it passed unanimously.

The Board discussed removing the last bullet point of the Visitors Code of Conduct.

Board member Frecha moved to table, for further discussion, the Visitor Code of Conduct policy until the Board has reviewed the other two code of conduct policies. Board member Hegemann seconded the motion and it was passed unanimously.

Fiscal Year 2022 – Year End Transfers

The transfers, if approved by the Board tonight, will also be approved by the Finance Committee tomorrow, July 13, 2022. This allows the Town to meet the July 15th deadline for year-end transfers. The transfers total \$64,099 of which just under \$50,000 is for the Snow & Ice Account.

Board member Frecha moved to approve the Fiscal Year 2022 year-end transfers, as presented by the Town Administrator. Board member Hegemann seconded the motion and it passed unanimously.

Meeting Minutes

June 14, 2022

Ms. Frecha noted that on page 5, the motion to designate the Randall Library Building Exterior Design Committee as Special Municipal Employees stated "Randall Library Building Committee." It should reflect the proper name of the committee. This will be revoted at the next meeting.

Board member Frecha moved to accept the meeting minutes of the June 14, 2022 meeting as drafted. Board member Hegemann seconded the motion and it passed unanimously.

June 21, 2022

Ms. Sturgis noted that during the EDIC discussion she said she was concerned that it would be seen as adding to the perception that Stow was anti-business, and would like this added to the minutes.

Board member Frecha moved to accept the meeting minutes of the June 21, 2022 meeting with amendments. Board member Hegemann seconded the motion and it passed unanimously.

Correspondence: No comments

Adjournment

At 8:38 p.m. Board member Frecha moved to adjourn. Board member Hegemann seconded the motion and it passed unanimously.

Respectfully submitted,

Joyce Sampson

Executive Assistant

Documents used at this meeting:

Documents can be found in the Select Board's Office in the meeting folder.