

WARRANT

ANNUAL TOWN ELECTION, APRIL 23, 2019 ANNUAL TOWN MEETING, APRIL 29, 2019

MIDDLESEX COUNTY, SS
TO ANY OF THE CONSTABLES OF THE TOWN OF WAKEFIELD IN THE COUNTY OF MIDDLESEX,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wakefield qualified to vote in elections and in Town affairs to meet at Precincts 1, 2, 3, 4, 5, 6 & 7 at the **Galvin Middle School, 525 Main Street** in said Wakefield on **Tuesday, the 23rd day of April, 2019 when the polls will be open between the hours of 7:00 AM and 8:00 PM**, then and there to act on the following:

To give their votes to the election of officers on one ballot for the following Town Officers and ballot questions: three Town Council members for three years; one Town Treasurer for three years; one Moderator for one year; two Municipal Gas & Light Commissioners for three years; three School Committee members for three years; three Library Trustees for three years; one Planning Board member for five years; one Board of Health member for three years; one Board of Assessor member for three years; two Constables for three years.

Question:

Shall this Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed an amendment that would make changes to the process for calling a referendum election to overturn Town Meeting votes. Instead of filing a petition signed by 200 voters within 10 business days after the end of Town Meeting, persons wishing to call a referendum would have to file a petition signed by at least 2½% of the registered voters in Town within 12 calendar days after the end of Town Meeting.

Question:

Shall the Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed to increase the term of office of the Moderator from one year to three years.

Question:

Shall the Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed certain changes to the composition and function of the Finance Committee Selection Committee (the "FCSC"). The Finance Committee would be represented on the FCSC by the Finance Committee's current chairman, rather than its outgoing chairman, and the Moderator would be required to call public meetings of the FCSC periodically as Finance Committee appointments expire and as soon as practicable after the occurrence of a vacancy.

Question:

Shall the Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed that whenever written notice is to be given to any person, such notice may be given electronically, with the consent of the person so notified.

Question:

Shall the Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed to delete a section about the appointment of the Health Agent and the Board of Health's staff. That section had become obsolete with a 2008 amendment to the Charter, but through an oversight has not previously been removed.

Question:

Shall the Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed to change the description of the composition of the Housing Authority to reflect newly enacted state law.

Question:

Shall the Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed to delete a provision concerning the clerical staff of the library, since the library has no clerical staff.

Question:

Shall the Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed to delete references to "recreation" from the description of the Department of Public Works, since recreation is the responsibility of the separate Recreation Commission.

Question:

Shall the Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed to let the School Committee submit its preliminary budget to the Town Administrator 60 days before the Annual Town Meeting instead of the current 90 days.

Question:

Shall the Town approve the Charter amendment proposed by the Town Meeting summarized below?

Summary:

Town Meeting proposed various corrections and improvements in the Charter regarding punctuation, grammar, usage and style.

Annual Town Meeting April 29, 2019

All business of said meeting, except the election of such officers and the determination of such matters as by law are required to be elected or determined by ballot, shall be considered at 7:00 PM, on Monday, the 29th day of April, 2019 at the Galvin Middle School Auditorium, 525 Main Street, in said Town, then and there to act on the following articles:

Subsequent Evenings. If there is business remaining, the Moderator will consider a motion to adjourn to a subsequent session.

ARTICLE 1. To determine how much money the Town will raise and appropriate for General Government, Protection of Persons and Property, Human Services, Public Works, Public Service Enterprises, Education, Unclassified, Benefits & Administration and Light Department specifying what appropriation shall be taken from the receipts of a department, or to see what the Town will do about it.

Town Council

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for Capital Outlay as follows, or to see what the Town will do about it.

Capital Outlay Committee

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Capital Projects/Debt Service Fund, also known as the Debt Service Fund, or to see what the Town will do about it.

Town Council

ARTICLE 4. To see if the Town will vote to authorize the Board of Assessors to use such sum of the balance of the operating fund of the Municipal Gas and Light Department as of June 30, 2019 as the Board of Light Commissioners may vote in computing the tax rate for the fiscal period July 1, 2019 to June 30, 2020, or to see what the Town will do about it.

Municipal Light Commissioners

ARTICLE 5. To see if the Town will vote to raise and appropriate from tax levy or transfer from available funds a sufficient sum of money to implement phase 2 design improvements and upgrades to the downtown right-of-way corridor, including Main Street from Church Street to Franklin Street, all of Common Street, Albion Street from Main Street to Gould Street, Water Street from Main Street to Shaw’s driveway, Lake Avenue and Spaulding Street, and certain related areas; or to see what the Town will do about it.

Town Council

ARTICLE 6. To see if the Town will vote to raise and appropriate from tax levy or transfer from available funds a sufficient sum of money to provide fencing, backstops, dugouts and site improvements to Blatz field or to see what the Town will do about it.

Town Council and School Committee

ARTICLE 7. To see if the Town will raise and appropriate or transfer from available funds including the excess and deficiency account a sum of money to supplement the personal services account of the Town Council’s office in order to align the current payroll system with the requirements of State and Federal law for the period of July 1, 2018 to June 30, 2019, or to see what the town will do about it.

Town Council

ARTICLE 8. To see if the Town will raise and appropriate or transfer from available funds including the excess and deficiency account a sum of money to supplement the Fire Department budget for the period of July 1, 2018 to June 30, 2019, or to see what the town will do about it.

Town Council

ARTICLE 9. To see if the Town will vote to raise and appropriate from tax levy or transfer from available funds a sum of money to indemnify certain police officers and firefighters of the Town for medical, surgical and hospitalization expenses as a result of injuries received by the officers/firefighters in the performance of their duties, as provided for under Section 100, Chapter 41 of Massachusetts General Laws in such amount and to such extent as may be recommended by the Town Council, or to see what the Town will do about it.

Town Council

ARTICLE 10. To see if the Town will vote to appropriate a sufficient sum of money for the purchase of one 1250 gallon permanent pumper truck for use by the Fire Department, and to determine whether to raise this appropriation by borrowing or otherwise, or to see what the Town will do about it.

Town Council

ARTICLE 11. To see if the Town will vote to amend the table of revolving funds set forth in Chapter 5, §5 of the General Bylaws by adding a line item for a “Surplus Equipment” revolving fund, as follows:

<u>Revolving Fund</u>	<u>Purpose</u>	<u>Revenue Source</u>	<u>Authorized to Expend Funds</u>
Road Repair	Repairing, restoring and maintaining public ways	Receipts from fees paid by applicants for street opening or obstruction permits under §175-4	Director of Public Works
Surplus Equipment	Defray the cost of purchasing new equipment	Receipts from sales of surplus equipment	Director of Public Works

or to see what the Town will do about it.

Town Council

ARTICLE 12. To see if the Town will vote to establish, with respect to each of the following revolving funds, the following limits on the total amount that may be expended from each such fund in Fiscal Year 2020:Revolving Fund–Surplus Equipment; Maximum Expenditure-\$50,000.00, or to see what the Town will do about it.

Town Council

ARTICLE 13. To see if the Town will vote to authorize the Town Council to accept, or take by eminent domain proceedings, conveyances or easement from time to time, giving the Town the right to construct and maintain drains, sewers, water lines, retaining walls and streets and to raise and appropriate a sufficient sum of money to carry out the purpose of this Article, or to see what the Town will do about it.

Town Council

ARTICLE 14. To see if the Town will vote to raise and appropriate from tax levy or transfer from available funds a sufficient sum of money for the collection, disposal, recycling and composting of refuse, or to see what the Town will do about it.

Town Council

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for roadway improvements, or to see what the Town will do about it.

Town Council

ARTICLE 16. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for construction of new sidewalks, or to see what the Town will do about it.

Town Council

ARTICLE 17. To see if the Town will vote to raise and appropriate from tax levy, or transfer from available funds, or by borrowing a sufficient sum of money for critical safety, health and environmental repairs to the Public Works Facility located at 35 North Avenue, or to see what the Town will do about it.

Town Council

ARTICLE 18. To see if the Town will vote to raise and appropriate from tax levy, by transfer from available funds, or by borrowing a sufficient sum of money to conduct a Public Works Facility Feasibility Study, or to see what the Town will do about it.

Town Council

ARTICLE 19. To see if the Town will vote to raise and appropriate from tax levy, by transfer from available funds, or by borrowing a sufficient sum of money to make repairs to the Town’s drainage system located on or near Grafton Street, Harrison Avenue and Maple Street, including the design, renovation, upgrading and reconstruction of the culvert located there, or to see what the Town will do about it.

Town Council

ARTICLE 20. To see if the Town will vote to transfer from the Water Surplus Reserve Account a sufficient sum of money for replacing and/or replenishing the filter sand at the water treatment facility on Broadway; or to see what the Town will do about it.

Town Council

ARTICLE 21. To see if the Town will vote to appropriate a sufficient sum of money to make repairs to a portion of Flanders Lane, a private way in the Town, in accordance with the provisions of G.L. c. 80, of Chapter 175-10 of the Code of the Town, or otherwise, and to determine whether to fund the appropriation by borrowing or otherwise and over what period of time to assess betterments, and further to see if the Town will hear and act upon a report from the Town Council in laying out a Town Way in substantially the same location as the private way described below, and to authorize the acquisition by purchase or eminent domain

proceedings of rights and easements necessary in connection therewith for reconstruction and maintenance in accordance with applicable sections of the Massachusetts General Laws: Flanders Lane - from its intersection with Pleasant Street, thence running west approximately 222 feet. Said street layout shown on a plan titled, "Flanders Lane Acceptance Plan" dated March 6, 2019, prepared by the Town of Wakefield Public Works, compiled from the following plans recorded at the Middlesex South District Registry of Deeds: Easement for Highway Purposes, Flanders Lane dated January 11, 1978, prepared by Michael T. Collins Reg. Engineer, Plan #413 of 1978 (Bk. 13434, Pg. 290); Section 2 Plan of a Portion of Glen Meadow Park Wakefield, Mass. Surveyed for the Realty Construction & Engineering, Inc., dated February 15, 1950, prepared by H. Kingman Abbott Reg. Surveyor (Bk. 7569, Pg. 294); Section 3 Plan of a Portion of Glen Meadow Park Wakefield, Mass. Surveyed for the Realty Construction & Engineering, Inc., dated April 22, 1950, prepared by H. Kingman Abbott Reg. Surveyor, Plan #1148 of 1950 (Bk. 7603, Pg. 391), or to see what the Town will do about it.

Town Council

ARTICLE 22. To see if the Town will vote to accept the provisions of G.L. c. 40U concerning the collection of municipal fines for the purpose of enforcing the terms of §175-8 of the General Bylaws of the Town regarding the removal of snow and ice from sidewalks; and to authorize the Town Council to appoint the hearing officer called for by G.L. c.40U, §6 and to take any other actions necessary or appropriate to implement a program under G.L. c.40U; or to see what the Town will do about it.

Town Council

ARTICLE 23. To see if the Town will vote to amend the General Bylaws by adding the following subsection to §1.5 of the Code of the Town, entitled "Word usage". "H. A 'Business Day' shall mean a day when the Town Hall, or a facility used for substantially the same purpose, is open for normal Town business.", or to see what the Town will do about it.

By-Law Review Committee

ARTICLE 24. To see if the Town will vote to delete the text of §9-10 of the General Bylaws, entitled "Advisory Committee," and replace it with the following: "Whenever the Town undertakes a building project that comes within the jurisdiction of the Permanent Building Committee, an advisory committee shall be appointed for the purpose of advising the Permanent Building Committee concerning such project. The advisory committee shall prepare and make presentations to the Permanent Building Committee concerning such matters as the advisory committee deems appropriate which are relevant to the building project in connection with which such advisory committee was created, including, without limitation, the development of program needs, preparation and review of feasibility studies, assessment of conditions, evaluation of bids and proposals, negotiation and administration of contracts, and evaluation of contractors. Each advisory committee shall be appointed by the applicable User Agency, as that term is defined herein, and shall consist of not more than 25 persons. Whenever the Permanent Building Committee lists a particular building project on its meeting agenda, it shall invite the advisory committee that was created in connection with that project to attend such meeting, and may also invite such other public bodies as it may deem appropriate, including the Board of Health and the Commission on Disability Issues. 'User Agency,' as used herein with respect to any particular building project, shall mean an elected or appointed multiple member body, including without limitation the Town Council, School Committee, Board of Library Trustees, Recreation Commission, and Conservation Commission, having permanent responsibility for such building.", or to see what the Town will do about it.

By-Law Review Committee

ARTICLE 25. To see if the Town will vote to amend Chapter 143 of the General Bylaws, entitled "Fingerprint-Based Criminal Record Background Checks", by: a. striking from §143-3.C, entitled "Processing; communication of results", (i) the first sentence and (ii) in the second sentence, the words "in addition"; and b. inserting, at the beginning of §143-4, entitled "Reliance on results", the following: "Prior to considering an application for any of the licenses enumerated in §143-2.A, above, the licensing authority shall receive and review the Police Department's recommendations based on the results of the applicant's fingerprint-based criminal record background check and the Police Department's own evaluation of the applicant's suitability, provided that the same are transmitted to the licensing authority within thirty (30) days after the filing of the application. If the same are not furnished within that period of time, then the licensing authority shall have discretion either to proceed in acting on the application without such information or to continue to await such information, provided that the licensing authority shall in all events consider and act on each application prior to the expiration of any applicable statutory deadlines, and provided further that no application shall be deemed filed until usable fingerprints are actually received by the Police Department.", or to see what the Town will do about it.

By-Law Review Committee

ARTICLE 26. To see if the Town will vote to adopt as Chapter 155 of the General Bylaws, entitled "Registration and Maintenance of Vacant Commercial and Industrial Buildings," the following: **§155-1. Findings and Purposes** - The purpose of this bylaw is to protect the welfare and economic vitality of the residents of the Town of Wakefield by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against property blight, protecting Town resources, and ensuring the safe and sanitary maintenance of commercial and industrial vacant properties. Among other things, vacant commercial and industrial properties can degrade the vitality of the Town's business districts, frustrate local planning and development efforts, create increased specific risks of fire damage, vandalism and unlawful entry or uses, and give rise to other public health and safety hazards. This bylaw is intended to promote the Town's public welfare and economic health by requiring all property owners to register and properly maintain vacant commercial properties or units with visible storefronts on the ground level. **§155-2. Definitions** - As used in this article, the following terms shall have the meanings indicated: "Building Inspector" - The Building Inspector of the Town of Wakefield or their designee. "Legally occupied" - Occupied in accordance with the provisions of the Massachusetts Building Code. "Owner" - A person or entity who or which, alone or with others: A. Has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to that of agent, personal representative, trustee, or guardian of the estate of the holder of legal title; or B. Is a tenant with a legal right to possess an entire building; or C. Is a mortgagee in possession of any building; or D. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or E. Is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant property. "Public Art" - Works of art for public benefit and viewing, approved by the Wakefield Cultural Council, for which owners have agreed to the temporary display inside storefront windows or upon other safe, visible exterior surfaces of vacant properties for agreed upon time periods and other material terms. "Vacant Building" or "Vacant Property" - Any unoccupied nonresidential commercial real property or commercial unit which: A. Is not legally occupied, is abandoned, or is not used for a period of at least ninety (90) consecutive days by occupants having a legal right of entry to such property; or B. Is intermittently occupied by persons with a legal right of entry, but exhibits in the opinion of the Building Inspector dilapidated walls, roof or doors which fail to prevent the entry of a trespasser for a period of more than seven (7) days. **§155-3. Registration** - A. Prior to, or not more than thirty (30) days after, a unit or any portion of a property becomes vacant, as defined herein, the owner(s) shall register the vacancy with the Building Inspector on forms agreed upon and provided by such department. All registrations must state the owner's name, phone number, and mailing address as well as an emergency contact, if not the same. None of the required addresses shall be a post office box. This registration must state whether the property is vacant at the time of filing. The registration shall also describe the owner's efforts to re-attain occupancy. Once the building is no longer vacant or is sold, the owner shall provide proof of sale or written notice and proof of lawful occupancy to the Building Department pursuant to the process outlined by them. The Building Inspector will notify the Police Department, Fire Department, Water and Sewer Division of the Department of Public Works, and Health Department of the submitted registration of vacant building as well as the re-occupancy of the building. B. The Town Council may exempt a property owner from the provisions of this bylaw upon the presentation of evidence, in such form as may be satisfactory to them, that the failure to use or occupy a building for a period in excess of ninety (90) days does not violate the purpose or intent of this bylaw. **§155-4. Annual Registration Fee, Failure to Pay, Waiver** - A. At any time a property becomes vacant within the meaning of this bylaw, the Town shall send an initial billing statement, setting forth the annual registration fee, to the owner of the vacant property. The annual registration fee shall be Four Hundred Dollars (\$400), payable in quarterly installments of One Hundred Dollars (\$100) each on November 15, February 15, May 15 and August 15, provided that no payment need be made with respect to any property on any such payment date if the registration fee has been waived, as set forth below, or if proof of the property's re-occupancy has been filed with the Town or the property has been exempted, as set forth above. The quarterly installment of the annual registration fee shall be due with respect to each quarter or part thereof during which the property was vacant. After the initial billing statement has been issued, on or before October 15 of each calendar year, the Town shall send an annual billing statement, setting forth such annual registration fee, to the owner of the vacant property. B. On or before each of the payment dates set forth above, the owner of any vacant property shall pay to the Town the quarterly installment of an annual registration fee to cover the administrative cost of monitoring and ensuring the security and proper maintenance of such building, as identified in said billing statement. Failure to pay any installment of the annual registration fee shall be a violation of this bylaw, and the full fee shall be deemed an assessment resulting from a violation of this bylaw. Such fee, and any fines issued for violations of this bylaw, shall constitute a "municipal charges lien" on the property, to be collected in accordance with G.L. c. 40, §58. C. Owners may apply to the Town Council for a waiver of the annual registration fee on or before October 1 of each calendar year, requesting waiver of part or all of the fee on grounds of demonstrable financial hardship, or by agreeing in writing to display public art as defined herein for the term of a vacancy. Waivers for public art display will be granted only as sufficient public art is available, appropriate to the location for display, and the Town, artist, and owner agree to terms of exhibition as set forth by the Town Planner. **§155-5. Maintenance Requirements** - A. The owner of a vacant building must maintain such building in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, pertaining to the external/visible maintenance of the building and major system maintenance of the property. B. The owner of a vacant building must promptly repair all broken windows, doors, and other openings and must remedy any unsafe conditions at a vacant building. Boarding up of open or broken windows and doors is prohibited except as a temporary measure, unless the Building Inspector determines that, due to vandalism, security concerns, and circumstances beyond the owner's control, the proper boarding of windows and doors is necessary for a determined period of time. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme. C. The owner must maintain the building and property for the duration of the vacancy or abandonment. The owner shall maintain the condition of the building and property so as to appear not to be vacant. Upon notice by the Building Inspector, any accumulated trash and/or graffiti shall be removed from the property by the owner within seven (7) days. The Building Inspector

and/or their designee will document violations. The owner of any building vacant for a period exceeding six (6) months, whose utilities have been shut off, shall have those utilities removed or cut and capped to prevent accidents. D. The owner may include advertising materials in the vacant space or displayed in the vacant property's street-facing windows. Such advertising materials must be approved by the Town Planner. E. Compliance with this bylaw shall not relieve the owner of any obligations set forth in any other applicable bylaw, regulation, codes, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply. **§155-6. Inspections** - The Building Inspector, Police Chief, Fire Chief and Health Director, or their respective designees, shall have the authority periodically to inspect the exterior and interior of any vacant building for compliance, as authorized under the terms of the registration form filed with the Building Inspector and Town Planner. The Building Inspector shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present. **§155-7. Violations and Penalties; Enforcement** - A. Violations of any portion of this bylaw shall be punishable by a fine of \$100 per day. However, the Town Council may waive the fine in total or in part upon the abatement of the violation(s). B. The Building Inspector or their designee shall enforce all provisions of this bylaw and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this bylaw shall receive a written warning and a minimum of thirty (30) days to remedy all violations prior to the institution of any enforcement action by the Building Inspector. The Building Inspector, acting on behalf of the Town, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this bylaw. This bylaw may also be enforced through non-criminal disposition in accordance with the provisions of §1-7 of the General Bylaws of the Town. **§155-8. Unsafe Buildings** - If the Building Inspector determines any building to be unsafe, they may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this bylaw shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, G.L. c. 139, §1, et seq., and G.L. c. 143, §6, et seq. **§155-9. Severability** - If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.", or to see what the Town will do about it.

By-Law Review Committee

ARTICLE 27. To see if the Town will vote to hear the report of the Bylaw Review Committee, accept it as the final report of the committee, and discharge the committee, or to see what the Town will do about it.

By-Law Review Committee

And to transact such other business as may properly come before this meeting,

And you are directed to serve this warrant by causing the same to be published in two issues of the Wakefield Daily Item, and by posting attested copies thereof at the official polling places and at the Police and Fire Stations in said Town, two consecutive Sabbaths, at least, the first time being not less than seven days at least before the time of holding said meeting.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this eighth day of April, two thousand and nineteen.

Peter J. May, Chairperson
Anthony Longo, Vice Chairperson
Mehreen N. Butt
Paul R. DiNocco
Edward J. Dombroski, Jr.
Julie Smith-Galvin
Ann McGonigle Santos
WAKEFIELD TOWN COUNCIL

A true copy attest:
Kevin Lopes
Constable

