

# TOWN COUNCIL AGENDA

Edward F. Dombroski, Jr., Chairman  
Ann McGonigle Santos, Vice-Chair  
Mehreen N. Butt  
Jonathan P. Chines  
Paul R. DiNocco  
Peter J. May  
Julie Smith-Galvin

Stephen P. Maio, Town Administrator  
Sherri A. Dalton, Clerk



## NOTICE OF MEETING

April 06, 2020 | 6:00 p.m.

Via Zoom: <https://zoom.us/j/787726485>

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and/or listen to the meeting in real time. Persons who wish to do so are invited to click on the following link <https://zoom.us/j/787726485>. The meeting ID is 787 726 485. If you do not have a camera or microphone on your computer you may use the following dial in number: 1-646-558-8656 Meeting ID 787 726 485. Please only use dial in or computer and not both as feedback will distort the meeting.

### ITEM 1 | Call to Order

### ITEM 2 | Pledge of Allegiance

### ITEM 3 | Attendance

### ITEM 4 | Public Engagement

Any member of the public who wishes to address the Town Council is asked to submit any comments or concerns to <https://www.wakefield.ma.us/public-participation> (preferred) or in writing at the secure drop off boxes at Town Hall, 1 Lafayette Street, at least two hours prior to the start of the meeting. Alternatively, members of the public are invited to participate via the Zoom virtual meeting, using the instructions listed above.

In the event further deliberation or action is warranted, any issues raised may be included as an item on a future Town Council Agenda.

### ITEM 5 | Annual Town Election

Re-scheduling the Annual Town Election from April 28, 2020 to a later date, in light of the current COVID-19 Pandemic and State of Emergency. Vote anticipated.

### ITEM 6 | COVID-19 Update

Town Administrator Maio and Chairman Dombroski to provide latest novel coronavirus response updates.

### ITEM 7 | Matters Not Anticipated for Agenda

Any matters not anticipated prior to the 48-hour public notice requirement but necessitating immediate action by the Council.

### ITEM 8 | Adjournment

Vote anticipated.

Next Regular Town Council Meeting: April 13, 2020 @ 7:00 p.m., via Zoom virtual meeting.

1 Lafayette Street Wakefield, MA 01880 . [www.wakefield.ma.us](http://www.wakefield.ma.us) . 781.246.6390

Chapter <sup>45</sup>  
of the Acts of 2020

THE COMMONWEALTH OF MASSACHUSETTS

*In the One Hundred and Ninety-First General Court*

AN ACT GRANTING AUTHORITY TO POSTPONE 2020 MUNICIPAL ELECTIONS IN THE COMMONWEALTH AND INCREASE VOTING OPTIONS IN RESPONSE TO THE DECLARATION OF EMERGENCY TO RESPOND TO COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the rescheduling of elections as a result of the governor's declaration of emergency to respond to COVID-19 and to increase voting options, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. (a) Notwithstanding section 9 of chapter 39, sections 26 and 28 of chapter 51 and chapters 53 and 54 of the General Laws or any other general or special law or by-law to the contrary, a city or town with a municipal caucus or annual or special municipal election scheduled between the effective date of this act and May 30, 2020, may postpone such municipal caucus or municipal election in accordance with this act.

The select board, town council, board of registrars or city council of the city or town may vote on any day prior to the date of their scheduled municipal caucus or municipal election to postpone the municipal caucus or municipal election to a date certain on or before June 30, 2020. Such rescheduled caucus or election shall be held in accordance with all applicable election laws except as otherwise provided in this act.

(b) The select board, town council or city council of a city or town postponing a municipal caucus or municipal election pursuant to this act shall, following consultation with the local election official and the chief operating officer of the municipality as to logistics and feasibility, vote to reschedule the municipal caucus or municipal election. A copy of this act, the vote of the select board, town council or city council and a sample ballot shall be placed on the official municipal website not later than 20 days before the date to which the rescheduled caucus or election has been postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled election date and to cast ballots therein. The notice may include, but shall not be limited to, a "reverse-911" call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.

(c) Consistent with section 107 of chapter 41 of the General Laws, an incumbent elected official whose term would have expired at a municipal annual town election if the election was not postponed pursuant to this act shall continue to serve in the official's position until a successor is elected and qualified.

(d) If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the state of emergency declared by the governor pursuant to executive order 591, declaration of a state of emergency to respond to COVID-19, the actions of the board of selectmen, town council, city council and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 2. The last day to register to vote for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 shall be 10 days before the date to which the rescheduled election has been postponed; provided, however, that the board of registrars shall hold a registration session on that date not less than from 2:00 PM to 4:00 PM and from 7:00 PM to 8:00 PM. The voting list to be used at such rescheduled election shall include all eligible voters registered as of that date.

SECTION 3. The caucus or election materials, including, but not limited to, absentee and official ballots, prepared for a municipal caucus or any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 and bearing that date shall be used for the rescheduled caucus or election to the extent practicable. If additional ballots are required to be printed, the ballots shall be identical in form to those prepared for the original caucus or election.

SECTION 4. Absentee ballots cast in connection with the original election date for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19, whether returned before the original election or otherwise, and received by the local election official before the close of polls on the date of the rescheduled election, shall be processed in accordance with applicable law; provided, however, that any voter who chooses to vote in person on the date of the rescheduled election may do so if their absentee ballot has not yet been counted. Completed applications to vote by absentee ballot in the rescheduled election shall be accepted by the board of registrars until 12:00 noon on the last business day before the rescheduled election.

For an election held on or before June 30, 2020 any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

SECTION 5. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, any eligible voter may vote early by mail for any annual or special municipal or state election held on or before June 30, 2020.

(b) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last business day before the date on which the rescheduled election is held.

(c) Local election officials may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in section 25B of chapter 54 of the General Laws, shall be provided to each qualified voter who participates in early voting by mail.

(d) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(e) The counting of early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and implemented regulations to the extent practicable. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(f) All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls on the date on which the rescheduled election is held. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B of said chapter 54.


House of Representatives, March 23, 2020.

Preamble adopted,

 Speaker.

In Senate, March 23, 2020.

Preamble adopted,

, President.

House of Representatives, March 23, 2020.

Bill passed to be enacted,

*Paul J. Donato* Speaker.

In Senate, March 23, 2020.

Bill passed to be enacted,

*JB EG*, President.

*March 23*, 2020.

Approved,  
at 4 o'clock and 57 minutes, P. M.

*Charles D. Bass*

Governor.



# 2020 Municipal Election Early Ballot Application



William Francis Galvin  
Secretary of the Commonwealth

## Voter Information

1

Name: \_\_\_\_\_

Legal Voting Residence: \_\_\_\_\_

\_\_\_\_\_

Date of Birth: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

## Ballot Information

2

Mail Ballot to: \_\_\_\_\_

\_\_\_\_\_

## Special Circumstances (If applicable)

3

☐ Voter required assistance in completing application due to physical disability.

Assisting person's name: \_\_\_\_\_

Assisting person's address: \_\_\_\_\_

Signed (under penalty of perjury): \_\_\_\_\_ Date: \_\_\_\_\_

## Eligibility

Any registered voter may use this application to request an absentee ballot for a local election being held on or before June 30, 2020.

## Completing the Application

1. Voter Information – Provide your name, legal voting address, and date of birth. Telephone number and e-mail address are optional fields.
2. Ballot Information – Provide the address where you want the ballot mailed.
3. Special Circumstances – If you are assisting a voter in completing this application, complete this section.
4. Sign your name. If you require assistance in signing the application, you may authorize someone to sign your name in your presence. That person must complete the assisting person's information in Section 3.

## Submitting the Application

Send the completed application to the local election official at your city or town hall.

Applications can be mailed or hand-delivered. Applications may also be submitted electronically by fax or e-mail, as long as your signature is visible.

Please allow ample mailing time for this application and for the ballot. Ballots must be returned to your local election official by Election Day.

Find contact information for local election officials at [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele) or by calling 1-800-462-VOTE (8683).

## Stephen Maio

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**From:** Betsy Sheeran  
**Sent:** Tuesday, March 24, 2020 7:35 PM  
**To:** Stephen Maio; TMullen@thomasamullenpc.com  
**Cc:** Betsy Sheeran  
**Subject:** FW: Municipal Election Relief Legislation!!!!  
**Attachments:** Chapter 45 of the Acts of 2020.pdf; 2020-Municipal Early Ballot Application.pdf; 2020-Special State Elections Early Ballot Application.pdf; BEACON HILL REPORT March 2020.docx

FYI

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**From:** masstownclerks@googlegroups.com [masstownclerks@googlegroups.com] on behalf of Andy Dowd [adowd@town.northborough.ma.us]  
**Sent:** Tuesday, March 24, 2020 12:10 PM  
**To:** 'Massachusetts Town Clerks' Association'  
**Subject:** FW: Municipal Election Relief Legislation!!!!

Good morning,

Here is the promised update from Michelle Tassinari. If you have specific questions that are not addressed in her e-mail or the attachments, please contact Elections directly.

I have also attached our lobbyist's quarterly Beacon Hill Report as it contains related information. Tom Joyce has been working diligently for us during this crisis.

One personal note. I have said several times in my recent e-mails, please don't forget, your number 1 priority is your health and that of your family and those close to you. It is evident by all of the e-mails and comments in recent days that we are an extremely dedicated group! Be proud of that fact but don't lose sight of what is most important, YOU! Do what you can to work from home, remember to social/physical distance, and stay healthy! The actions we take right now will allow us to remain healthy and take care of all the important work ahead. Right now, do what's best for you, **please**.

Be well and I look forward to seeing all of you on the other side of this,

Andy –

Andrew T. Dowd,  
Town Clerk/Notary/Justice of the Peace  
Town of Northborough  
63 Main Street  
Northborough, MA 01532  
Email: [adowd@town.northborough.ma.us](mailto:adowd@town.northborough.ma.us)  
Voice: 508-393-5001

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**From:** Tassinari, Michelle (SEC) [mailto:michelle.tassinari@state.ma.us]  
**Sent:** Tuesday, March 24, 2020 11:03 AM  
**To:** All Clerks

**Cc:** SEC-DL-Elections Division; NicoleCrispo; NancyTalbot

**Subject:** Municipal Election Relief Legislation!!!!

Good Morning-

We are writing to provide some important updates relative to municipal elections legislation we've previously been telling about. We are happy to report that the Governor has signed into law chapter 45 of the Acts of 2020 "An Act granting authority to postpone 2020 municipal elections in the commonwealth and increase voting options in response to the declaration of emergency to respond to COVID-19," which has an emergency preamble and thus takes effect immediately. A copy of the signed law is attached.

Here's what it does:

- SECTION 1. Allows a municipality to vote to postpone any municipal election or caucus originally scheduled between now and May 30, 2020.
  - The select board, town council, board of registrars/election commission or city council of the city or town may take the vote to postpone.
  - The vote to postpone must be done before the date of your originally scheduled election or caucus.
    - Remember, under the temporary changes to the open meeting law, you don't need to have all members in the same room, but you do still need a quorum of whatever body is voting; whether this vote is an "emergency" for purposes of the Open Meeting Law will depend on the particular circumstances at issue.
    - It will be useful to reference the authority for such vote, something similar to the following:

Pursuant to section 1 of chapter 45 of the Acts of 2020 and because of the state of emergency declared by the governor pursuant to executive order 591, Declaration of a State of Emergency to Respond to COVID-19, the municipal town election (or caucus) scheduled for (date) is hereby postponed.

- The vote does NOT have to include a new election day (or caucus date)—that can and will be determined later.
  - To determine a new date, the select board, town council or city council of a city or town must consult with the local election official and the chief operating officer of the municipality as to logistics and feasibility.
    - Only after such consultation, may the select board, town council or city council of a city or town vote on the new date.
    - That vote must occur at a properly posted meeting no less than 20 days prior to the new election date (and perhaps more depending on how nominations stand at this time).
      - After the vote, a copy of the act, the vote of the select board, town council or city council and a sample ballot must be placed on the official municipal website—which must also happen not later than 20 days before the date of the new election.
      - Notice of new election date must be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled election date including using a "reverse-911" call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.
  - The act specifically provides that an incumbent elected official whose term would have expired at a municipal annual town election if the election was not postponed pursuant to this act shall continue to serve in the official's position until a successor is elected and qualified (which is already set forth in section 107 of chapter 41 of the General Laws).
  - If your municipality voted to postpone an election or caucus before this act was passed, those actions are ratified, validated and confirmed.
- SECTION 2. Changes the voter registration deadline to be 10 days before the new election date.
  - Limits the registration session on that date to be not less than from 2 PM to 4 PM and from 7 PM to 8 PM.



- If your election is on a Tuesday, 10 days in before that is Saturday. For these purposes, the deadline will move back to Friday.
- SECTION 3. Allows the use of election materials from the original election date for the new election date.
  - All ballots, including absentee and official, will have the date of the original election on them.
- SECTION 4. Allows absentee ballots cast for the original election to be counted for the new election date.
  - Allows a voter who wants to vote in person on the date of the new election if their absentee ballot has not yet been counted.
  - Extends deadline for applying for an absentee ballot to 12:00 noon on the last business day before the new election date.
  - Expands the reasoning for voting absentee because a physical disability prevent the voter from going to the polling place (only until June 30, 2020) to include any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority.
- SECTION 5. Provides for early voting by mail for any annual or special municipal or state election held on or before June 30, 2020.
  - Voters must still submit a written request for an EV ballot which can be the application we've prepared (see attached and on our website) or any form of written communication asking for an EV ballot.
  - Allows you to use absentee ballots to send to EV voters, but with an EV-7 inner envelope.
  - Requires you to mail EV ballots as soon as you have your ballots ready.
  - Sets the deadline to apply for an EV ballot as noon on the last business day before the new election date and the deadline for you to receive completed EV ballots as the close of polls on the new election date.
  - Establishes the same process you use for EV for other elections by designating early voters as "EV" on the voting list and counting early voting ballots the same way you do for the state election.

Please note that this legislation does not affect any filing deadlines for nomination papers.

If you decide to postpone your municipal election, you will need to update VRIS. Until such time as you've voted on a new date, you must go into VRIS to change the Last Day to Register to Vote for your original election date to be the same as the original election date. This is ensure that any acknowledgement notices print correctly. If you are unable to move the LDTR, please contact the Help Desk at 617-727-2600. Once a new election date is set, we can update in VRIS for you (we have a form prepared for such requests), which will move everything associated with the original election.

As mentioned in my email from last Friday, we've added a COVID-19 page to our website, which we will be updating with information as it changes. <http://www.sec.state.ma.us/ele/covid-19/covid-19.htm>

We hope this is helpful and will provide updates as available.

Thank you for your understanding and stay safe!

Michelle K. Tassinari  
 Director and Legal Counsel, Elections Division  
 Office of the Secretary of the Commonwealth  
 One Ashburton Place, Room 1705  
 Boston, MA 02108  
 617-727-2828