



# TOWN OF WAKEFIELD

TOWN COUNCIL

Ann Santos, Chair  
Julie Smith-Galvin, Vice Chair

Mehreen N. Butt  
Jonathan P. Chines

Paul R. DiNocco  
Edward F. Dombroski, Jr.

Peter J. May  
Sherri Dalton, Clerk

## NOTICE OF MEETING

June 08<sup>th</sup>, 2020 | 6:00 p.m.

Via Zoom: <https://us02web.zoom.us/j/84581857085>

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://us02web.zoom.us/j/84581857085>. If you do not have a camera or microphone on your computer you may use the following dial in number: 1-312-626-6799 Meeting ID 845 8185 7085. Please only use dial in or computer and not both, as audio feedback will distort the meeting. This meeting will be audio and video recorded.

### 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> 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 | Approval of Minutes

Approval of May 28<sup>th</sup>, 2020 Town Council meeting minutes. Vote anticipated.

### Item 6 | Police Officer Training

Chief Skory to discuss police officer training.

### Item 7 | COVID-19 Updates

A. Updates regarding COVID-19 to be provided.

B. Outdoor restaurant dining proposal discussion. Vote anticipated.



C. June 20<sup>th</sup>, 2020 Annual Town Meeting.

**Item 8 | Donation**

Library seeks approval to accept and expend a gift or gifts to the Library in the amount of \$7,125.00 from various donors with thanks. Vote anticipated.

**Item 9 | Announcements**

**Item 10 | Matters Not Anticipated for Agenda**

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

**Item 11 | Adjournment**

Next Regular Town Council Meeting: June 22, 2020

**From:** [cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com) on behalf of [Public Committee Meeting Participation Form via VTH-RC1](#)  
**To:** [Sherri Dalton](#)  
**Subject:** Form submission from: Public Committee Meeting Participation Form  
**Date:** Friday, June 5, 2020 1:10:32 PM

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Submitted on Friday, June 5, 2020 - 1:10pm

Submitted by user: Anonymous

Submitted values are:

First and last name: Sylvia Scharf

Street address: 69 PLEASANT ST

Email address: s.sylvatica@gmail.com

Committee or board: Town Council

Meeting date: June 8, 2020

Comment:

If you call 911 around here, you get a fire engine, and ambulance, and at least one police cruiser, whatever the nature of the emergency. Not only does this seem like an overuse of expensive resources, it means that you do not have a choice about getting the police. Given that the presence of the police is a source of fear and anxiety to many, this could easily lead to a situation where someone would forgo calling for needed medical attention due to fears of police attention and action.

Is there any way to separate these services, so you only get what you need?



## WAKEFIELD TOWN COUNCIL

Monday, May 28, 2020  
6:00 P.M. (Via Zoom virtual meeting)

**COUNCIL MEMBERS PRESENT:**  
 Councilor Ann McGonigle Santos, Chair  
 Councilor Julie Smith-Galvin, Vice-Chair  
 Councilor Mehreen N. Butt  
 Councilor Jonathan P. Chines  
 Councilor Paul R. DiNocco  
 Councilor Edward F. Dombroski, Jr.  
 Councilor Peter J. May

**ADMINISTRATION PRESENT:**  
 Town Council Clerk Sherri A. Dalton  
 Town Administrator Stephen P. Maio  
 Town Counsel Thomas A. Mullen

### ----- TOPICS OF DISCUSSION -----

- |                             |   |
|-----------------------------|---|
| <b>Call to Order</b>        | Councilor Santos called the meeting to order at 6:00 p.m.   |
| <b>Pledge of Allegiance</b> | Councilor Santos led the body in the reciting of the Pledge of Allegiance.  |
| <b>Attendance</b>           | All seven (7) Councilors were present and participating via Zoom. Councilor Santos mentioned that she and the Town Administrator are wearing Stoneham gear due to the few percentage points win that Stoneham had over Wakefield in seeing which community could fulfill the census most robustly.  |
| <b>Public Engagement</b>    | Eric Bertrand of 41 Crescent Street, who is also the owner of Wakefield Computer Hospital on Albion Street addressed the Council with his concern regarding the small businesses and restaurants in town and asked the Council to think about closing Main Street on the weekends as an opportunity for the business to set-up outside. Councilor Santos thanked Mr. Bertrand for his thoughtful comments and stated that the Town has already started to think about how to uniquely support the small businesses. |
| <b>Approval of Minutes</b>  | Councilor Chines motioned to approve the May 11, 2020 regular Town Council Meeting Minutes. Councilor May seconded. Motion passed 7-0-0 by a roll call vote.  |
| <b>COVID-19 Updates</b>     | Emergency Management Director Walsh stated the policies and procedures that have been implemented have been successful so far as no Town employees have contracted the virus and over 65,000 masks were distributed to the citizens. Phase 1 of the re-entry plan is to bring some employees back into the buildings with safety measures with the exception of the Library, Senior Center and Civic Center which will remain closed. Phase 2 of the re-entry plan will start on June 15,                           |

2020 where Town Hall will be open to the public for limited hours from 8:30 a.m. until 12:30 p.m. Monday through Friday. A greeter will be stationed at the front door asking a series of questions and keeping a log for contract tracing. The second floor and basement of Town Hall will be kept closed until June 30, 2020 with the exception of the Board of Health. Phase 3 will be a wait and see for guidance from the State and also how Phase 1 and Phase 2 has gone. Employees will still be encouraged to work remotely from home.

Health Director Clay emphasized that most of the decisions are not local. The Governor's office has orders and guidelines and the Health Departments are the enforcement of those guidelines. Hair and Nail salons are open under the Governor's Orders and our inspectors have been at those businesses that are open giving them a packet of information and posters that they are required to display. The Board of Health repealed at their meeting last night the face coverings order as well as the personal services order so that we are in sync with the Governor's Orders of wearing face coverings. The Board also approved the School Committee's plan of small groups up to 18 families at a time for graduation over a two-day period. That plan, she believes is changing but anything other than what the Board of Health approved would need to be approved by the Board again. They also approved lowering their permit fees for restaurants and retail food by 25% for the period of July 1, 2020 through June 30, 2021. Councilor Chines asked for a rough idea from a spending standpoint since the onset of COVID-19 of how much might be reimbursable. Mr. Maio answered that we are approaching between three and four hundred thousand dollars and we will be looking for reimbursement through FEMA and the Cares Act, so it is very likely that a hundred percent of that could be reimbursed between both of those. Councilor Chines also asked Director Clay if there are any lessons learned from the contact tracing work that the department has been doing. Director Clay answered that when this is over they will be looking back at lessons learned and that the numbers are a compilation of households; long-term care facilities and the rest are community based. Councilor Chines inquired about the summer programs that the recreation department runs. Mr. Maio said that there has been a lot of thought with no guidance to go by and they are waiting for that guidance but most of the summer programs will be contracted programs. Councilor Chines recognized the time and commitment from both Director's Clay and Walsh. Councilor Smith-Galvin asked Director Walsh about the progress with getting the red alert app. He was not sure as Jenn handles communications. She also asked where we are with parks as she received reports that a lot of kids have been seen at parks. Director Clay stated that there is guidance from the State and people can passively recreate in parks but there cannot be organized games or activities that use equipment but made it aware that people are encouraged to be outside to get fresh air and exercise as long as they are 6-feet away from other people and if not, they need to have a face covering. Mr. Maio stated that playground apparatus will still be closed. In regards to the Dog Park, Mr. Maio thought that the re-opening would be in Phase 2 and Councilor Santos agreed. Councilor May questioned the guidelines for re-opening of restaurant. Director Clay said that the State has not come out with the

guidelines as of yet. He suggested extending outdoor dining as a way to help the restaurants. Director Clay said that we cannot override the Governor's rules that he sets but that doesn't mean we cannot be creative with the space. Councilor Dombroski noted he has had many conversations with Mr. Maio and that Mr. Maio has spent a lot of time on trying to be creative in terms of finding spaces that may be available and suggested to the Town Council that they give Mr. Maio and his team the authority when there is guidance from the State to come up with solutions within the parameters of the guidance to either block off streets or the closing of them. Councilor Santos agrees with the suggestion and also stated that she does not have a problem with calling a special meeting addressing the issue. Mr. Maio stated that if the Council were to give that authority to him and his team to allow a restaurant or retail business to come out to the sidewalk and/or street to do something creative, they will certainly do something with the traffic as he cannot shut down the streets every day. On one issue that is restaurant specific is the serving of alcohol in these outdoor spaces which will expand their footprint. The Chamber has put out a survey asking people a series of questions i.e. would they go to restaurants; what nights they would go to restaurants. A re-opening guide for businesses with links to the Massachusetts standards has been put together but not yet released. Councilor DiNocco commented that we all need to be proactive in supporting the businesses that open in each phase and if the Council just lets Mr. Maio allow a business to come out to the street without the Town Council being aware of it, then the Town Council cannot be proactive. He would support having a meeting to discuss the plan. Councilor Santos remarked that she cannot image the Town Administrator making the decision without the Town Council knowing about it nor would the Town Council not know what the businesses can do. She is confident that if Steve and his team were to make these decisions, the Town Council would know within moments of the decision. Councilor Butt recognized all the work Director's Ruth and Walsh have been doing and she supports having a meeting to discuss and vote any plans recommended by Steve and asked that Jenn push all the information out so that it can be shared. She was also excited to hear that there will be a greeter at the entrance of Town Hall as this is something that has been talked about for years. Councilor Chines also supports having an emergency meeting to vote on any recommendations from the Town Administrator.

Councilor Santos welcomed School Committee Chair Tom Markham to speak regarding graduation. He stated the Board of Health was very clear in opposing all the students on the field for graduation. The School Committee appreciates the approval of the small group option but they were seeking some direction over what they could do with regard to a larger group socially and asked Director Clay to clarify the vote of the Board of Health. She stated the consensus of the Board was that there wasn't any way they could say that two hundred and sixty students plus their families which could ultimately be a thousand people on the field was a small group. The plan that was presented to the Board of Health was a well-thought-out plan and that is the plan they approved.

**Annual Town Meeting**

Town Moderator William Carroll, along with consultation from Town Counsel Mullen and Director Clay, stated that the Annual Town Meeting will be moved from June 8, 2020 to Saturday, June 20, 2020 at the Wakefield Memorial High School Field House beginning at 9:00 a.m. and continuing until the completion of business. He will be sending a letter to the Attorney General's office advising them of the change. One action Town Counsel Mullen requested the Town Council to act on tonight is that a report has to be submitted to the Attorney General shortly after the Town Moderator issues his declaration continuing Town Meeting. That report must come from the public health official designated by the Board of Selectmen as stated in Chapter 53. The Town Council would need to designate Health Director Clay as the appropriate person to transmit that report. Councilor Chines wants to make sure that every voting resident will be able to vote if they have to use an overflow space. Moderator Carroll stated that if the overflow space is utilized, he will have an Assistant Moderator in that space. Councilor Chines also asked if there was a way to accommodate the voting population that cannot physically attend Town Meeting. Mr. Carroll answered that there is no way of really telling if the person cannot attend but he will look into it. Councilor Smith-Galvin brought up the point that Wi-Fi/cell coverage is non-existent at the High School. Councilor DiNocco motioned to designate Health Director Clay to submit to the Attorney General a letter declaring the continuing of Town Meeting from June 8, 2020 to June 20, 2020. Councilor Smith-Galvin seconded. Motion passed 7-0-0 by a roll call vote.

**Budget Update**

Both the Town Clerk and the Tax Collector follow the Supervisors Union contract and since that contract was approved, the Town Clerk's salary and Tax Collector's salary needs to be increased. The salary increases will be noted in the recommendation book and they were included in the overall numbers that the Town Administrator previously presented. Councilor DiNocco motioned to approve the Tax Collector and Town Clerk salary increase in their budgets under the same parameters as the Supervisors contract. Councilor May seconded. Motion passed 7-0-0 by a roll call vote.

**Annual Town Election Warrant**

The Elections Division of the Secretary of State's office has notified all of the towns in the Commonwealth that they can have a four-hour election day and it must begin before noon time. Town Clerk Sheeran is suggesting the hours of 10:00 a.m. until 2:00 p.m. at the Galvin Middle School. For 43 days there has been early voting and absentee voting available without having to put a reason and the Town Clerk's office has been receiving them consistently. She mentioned that not everyone is going to be pleased and that somebody will complain but she needs to stay within the guidelines of social distancing and she has pushed out early voting via social media. Councilor Smith-Galvin asked that a red alert be pushed out along with the blinking signage. Councilor DiNocco motioned to approve the election hours from 10:00 a.m. until 2:00 p.m. on June 23, 2020. Councilor Butt seconded. Motion passed 6-0-1 by a roll call vote with Councilor Dombroski abstaining. Councilor DiNocco motioned to approve the June 23, 2020 Annual

Town Election Warrant. Councilor Chines seconded. Motion passed 6-0-1 by a roll call vote with Councilor Dombroski abstaining.

**Town  
Election/Town  
Meeting  
Worker  
Appointments**

Councilor DiNocco motioned to approve the Town Election/Town Meeting Worker applicants as presented and attached with three-year terms through June 30, 2023. Councilor Chines seconded. Motion passed 7-0-0 by a roll call vote.

**Economic  
Development  
Council**

At the last Town Council meeting there was an indication from members of the Council looking for an opportunity to further review the proposal and then offer any feedback. Councilor Dombroski reached out to all Councilor and heard from Councilor Chines and no one has indicated that they are not in support of the Economic Development Council but timing of this is the question. Certain members of the Council believe this should wait until after Town Meeting and Councilor Dombroski feels the sooner the Town Council can get something up and running the better off it is going to be for our businesses. This would not be in place of the Economic Development Director, it would be a complement to an Economic Development Director. He asked that the Council move forward with the proposal again as he feels there has been sufficient time for folks to review it and offer comments on it and asked that instead of Town Councilors being on the Economic Development Council perhaps a liaison would make sense. He stated that he has been in touch with Mr. Maio about the oversight initially and Mr. Maio has agreed and is encouraged by the opportunity that this presents. Councilor Chines is not opposed with having an Economic Development Council and if it is structured in the right way there is a lot of benefit to the community. He does have some concerns and feels that waiting to see where we go with the timing and funding of the Economic Development Director position and proposes a motion to table the vote in hopes that we use today and possibly the next meeting to have some further discussion. Councilor Chines withdrew the motion in order for Councilor DiNocco to speak. Councilor DiNocco stated that he has been talking about having an Economic Development Director for years and does not want any vote on forming a Council until after Town Meeting. Councilor Santos suggested that perhaps a smaller group of Councilors could continue the discussion. Councilor Dombroski would like to work with a couple of Councilors and bring it back at the next meeting with the shared understanding that it would be helpful to move this forward. Councilor Dombroski motioned to table the discussion with Madam Chair appointing Councilors to collaborate with the expectation of having a discussion at the next Town Council meeting. Councilor Chines seconded. Motion passed 6-1-0 by a roll call vote with Councilor DiNocco voting against the motion.

**Licenses &  
Approvals**

Councilor Smith-Galvin motioned to approve the request of Aaronap Cellars to sell wine at the Farmer's Market. Councilor Butt seconded. Motion passed 7-0-0 by a roll call vote.

Councilor DiNocco motioned to ratify the previous vote taken at the May 11, 2020 Town Council meeting to raise the Pride Flag in front of the Americal Civic Center for the month of June. Councilor May seconded. Motion passed 7-0-0 by a roll call vote.

**MSBA High School Building Committee**

Councilor DiNocco motioned to appoint the MSBA High School Building Committee applicants as presented and attached with terms for the duration of the committee and to also appoint Councilor Chines as the liaison from the Town Council. Councilor Chines seconded. Motion passed 7-0-0 by a roll call vote.

**Youth Council – Middle School Members**

Councilor Dombroski motioned to appoint the first three Youth Council Middle School applicants in order as they were received as voting members and the following three as associate members as presented and attached with one-year terms ending June 30, 2021. Councilor DiNocco seconded. Motion passed 7-0-0 by a roll call.

**Public Hearing**

Councilor Dombroski motioned to set June 22, 2020 at 7:05 p.m. as the Water & Sewer Rates Public Hearing. Councilor Chines seconded. Motion passed 7-0-0 by a roll call vote.

**Announcements and Acknowledgements**

Councilor Chines congratulated the graduation class of 2020; the incoming High School freshman class of 2024 and the class of 2028 moving on to the Middle School. One event that is happening virtually is the Megan Burnett Memorial Concert which will be tomorrow night on Facebook live from 6:00 p.m. until 7:00 p.m.

Councilor DiNocco questioned if the ban on groups at the Common was still in effect until July 6<sup>th</sup>. Mr. Maio answered that large groups or any groups are not being approved. Councilor DiNocco announced that the Rotary Club of Wakefield, Wakefield Main Street, Wakefield Independence Day Committee and the Wakefield Community Partnership has raised over \$70,000.00 to support the merchants in this community and thanked each and every donor.

Councilor Smith-Galvin has been hearing about how much people really like the Zoom meetings and recordings and is really hoping for a way to keep it going. The Environmental Sustainability Committee will be having bag recycling set up at Town Hall and then working with a commercial program that can turn them into benches around town. The Youth Council had their first meeting and they have lots of good ideas.

Councilor Butt thanked Jenn McDonald and Steve for the Spring Newsletter. The Human Rights Commission will be celebrating the whole month of June with Pride events. All information will be on the Facebook page of the Human Rights Commission. We did not have our regularly functioned Memorial Day but it was still made memorable. She also noted that we threw committees into having Zoom meetings without having any rules or explaining anything and suggested in

the future that we do some sort of training on how to create an agenda and how to get minutes in.

Councilor Dombroski reminded everyone again that the Wakefield Food Pantry is always looking for donations and cash is actually the best because for every one dollar that you donate they can secure four dollars' worth of food. It was great to see the enthusiasm during the Youth Council meeting as they have great leadership and great talent.

Councilor Santos stated the Memorial Day celebration was very poignant and sweet to be a part of. The West Side Social Club still honored the Veteran's and planted the trees in memory of those we lost and they did it in a responsible socially distance mask-wearing way and apologized for not having a moment of silence for Memorial Day at the beginning of the meeting. Asked Town Counsel Mullen to give a short tutorial if someone on a committee realizes there is a conflict of interest and what are the options. Mr. Mullen stated that anyone can call him to speak confidentially if they suspect a conflict. They can also talk directly to the State Ethics Commission's lawyer-of-the-day who will offer advice. There has been no reluctance on the part of Wakefield officials in doing this as they call him all the time on the merest suspicion that they might have some reason why they should recuse themselves. If a member of a Board thinks they have a financial interest with a particular matter that comes before them, they are supposed to recuse themselves. She recognized and congratulated the graduating class of 2020

**Matters Not Anticipated for Agenda**

Councilor DiNocco mentioned that there are three areas of close proximity to his home that need repaired by the DPW and asked for the DPW to be made aware of the issues. Councilor Santos said to reach out to Joe Conway or Steve Maio.

**Adjournment**

At 8:42 p.m. Councilor Dombroski motioned to adjourn. Councilor DiNocco seconded. Motion passed 7-0-0 by a roll call vote.

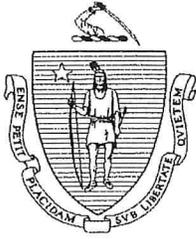
**Next Council Meeting**

The next regular Town Council meeting is June 22, 2020.

Respectfully submitted,



Sherri A. Dalton  
Town Council Clerk



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER CLARIFYING THE PROGRESSION OF THE COMMONWEALTH'S  
PHASED WORKPLACE RE-OPENING PLAN AND AUTHORIZING  
CERTAIN RE-OPENING PREPARATIONS AT PHASE II WORKPLACES**

COVID-19 Order No. 35

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

**WHEREAS**, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

**WHEREAS**, the Federal Centers for Disease Control have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing personal contact with environments where this potentially deadly virus may be transmitted;

**WHEREAS**, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order, temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

**WHEREAS**, on March 31, 2020, April 28, 2020, and May 15, 2020, I issued COVID-19 Orders No. 21, 30, and 32, respectively, which extended the period in which COVID-19 Order No. 13 would continue to restrict the operation of businesses and organizations that do not provide COVID-19 Essential Services;

**WHEREAS**, recent public health data indicate continued improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public's unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other measures implemented in response to the COVID-19 health crisis;

**WHEREAS**, on May 18, 2020, I issued COVID-19 Order No. 33, which authorized the re-opening of certain brick-and-mortar premises designated as "Phase I" workplaces ("Phase I enterprises"), subject to the requirement that all such workplaces comply with workplace safety rules and standards implemented to protect against the risk of the COVID-19 virus and which otherwise further extended the period in which COVID-19 Order No. 13 will continue to restrict the operations of businesses and organizations that do not provide Essential Services or that have not been designated as Phase I workplaces;

**WHEREAS**, a sustained trend of improvement in public health data will permit a continuing, carefully phased relaxation of certain restrictions that COVID-19 Order No. 13 has placed on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data, and further provided that any adjustment must reflect the reality that the Commonwealth remains in the midst of a public health emergency, as demonstrated by reporting from the Department of Public Health that as of May 31, 2020, 1,824 persons remain hospitalized in the Commonwealth as a result of COVID-19 and 436 of these patients are receiving treatment in intensive care units;

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

**NOW, THEREFORE**, I hereby order the following:

**1. Advance Preparations by Phase II Enterprises**

Beginning immediately, businesses and other organizations that are included within Phase II of the re-opening plan, as defined in Section 2 below, may open their physical workplaces and facilities ("brick-and-mortar premises") to workers for the purpose of preparing for a Phase II re-opening when authorized. In preparing their premises for re-opening, Phase II businesses and other organizations ("Phase II enterprises") must at all times comply with all generally applicable COVID-19 workplace safety rules and any relevant sector-specific COVID-

19 workplace safety rules issued pursuant to Section 2 of COVID-19 Order No. 33 or otherwise by the Department of Labor Standards (“DLS”), the Department of Public Health (“DPH”), or any other agency authorized to issue similar health and safety rules.

Phase II enterprises may not open their premises to customers and the public generally until authorized to do so by subsequent Order.

**2. Designation of Phase II Enterprises**

Phase II enterprises are businesses or other organizations that meet each of the following conditions:

They are

- not currently permitted to open their premises as an Essential Service or Phase I enterprise pursuant to Section 1 of COVID-19 Order No. 33;
- not closed by any COVID-19 Order separate from or in addition to COVID-19 Order No. 13;
- not excluded or excepted from the terms of this Order in Section 4; and
- not designated on the chart below as a Phase III or Phase IV enterprise.

	All Phase II, III, and IV enterprises will be required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, and local boards of health. Workplace safety rules will include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase II	Enterprises that meet all of the conditions specified above and including <ul style="list-style-type: none"> <li>• Retail Stores including stores in enclosed shopping malls</li> <li>• Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria</li> <li>• Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings)</li> <li>• Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs</li> <li>• Professional sports practice and training programs--no inter-team games and no admission for the public</li> <li>• Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> <li>○ Step 1: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.)</li> <li>○ Step 2: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.)</li> </ul> </li> <li>• Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10</li> <li>• Driving schools and flight schools</li> <li>• Outdoor historical spaces—no functions or gatherings and no guided tours</li> <li>• Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility</li> </ul>

	<ul style="list-style-type: none"> <li>• Warehouses and distribution centers</li> <li>• Golf facilities including outdoor driving ranges</li> <li>• Other outdoor recreational facilities <ul style="list-style-type: none"> <li>○ pools, playgrounds and spray decks</li> <li>○ mini golf, go karts, batting cages, climbing walls, ropes courses</li> </ul> </li> <li>• Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> <li>○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services</li> </ul> </li> <li>• Day Camps including sports and arts camps</li> <li>• Public libraries</li> </ul>
Phase III	<ul style="list-style-type: none"> <li>• Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations</li> <li>• Casino gaming floors</li> <li>• Horse racing simulcast facilities (no spectators)</li> <li>• Indoor recreational and athletic facilities for general use (not limited to youth programs)</li> <li>• Fitness centers and health clubs including <ul style="list-style-type: none"> <li>○ cardio/weight rooms/locker rooms/inside facilities</li> <li>○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios)</li> <li>○ indoor common areas</li> <li>○ indoor swimming pools</li> <li>○ indoor racquet courts and gymnasiums</li> <li>○ locker rooms/shower rooms</li> <li>○ excluding saunas, hot-tubs, steam rooms</li> </ul> </li> <li>• Museums</li> <li>• Indoor historic spaces/sites</li> <li>• Aquariums</li> <li>• Outdoor theatres and performance venues of moderate capacity</li> <li>• Indoor theatres, concert halls, and other performance venues of moderate capacity</li> <li>• Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching)</li> <li>• Fishing and hunting tournaments and other amateur or professional derbies</li> <li>• Weddings/events/gatherings in parks, reservations, and open spaces with allowance for moderate capacity</li> <li>• Overnight camps</li> <li>• Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older</li> <li>• Indoor recreational businesses: batting cages, driving ranges, go karts, bowling alleys, arcades, laser tag, roller skating rinks, trampolines, rock-climbing</li> </ul> <p>This listing is subject to amendment.</p>
Phase IV	<ul style="list-style-type: none"> <li>• Amusement parks, theme parks, indoor or outdoor water parks</li> <li>• Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities</li> <li>• Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000</li> <li>• Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000</li> <li>• Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including</li> </ul>

	<ul style="list-style-type: none"> <li>○ Theaters and concert halls</li> <li>○ Ballrooms</li> <li>○ Stadiums, arenas, and ballparks</li> <li>○ Dance floors</li> <li>○ Exhibition and convention halls</li> <li>● Private party rooms</li> <li>● Street festivals and parades and agricultural festivals</li> <li>● Road races and other large, outdoor organized amateur or professional group athletic events</li> </ul> <p>This listing is subject to amendment.</p>
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**3. Rules for Phase II Limited Organized Sports Activities and Programs**

*Amateur Sports:* Effective immediately, organizers of sports activities and programs for youths and adults and facilities that host such programs or activities may open their premises to employees to begin preparations, consistent with the provisions of Section 1, for authorized Phase II activities. In addition to complying with generally applicable COVID-19 workplace safety rules, organizers of sports activities and programs for youths and adults and facilities that host such programs or activities shall be subject to the following directives during Phase II:

- a. Programs for contact sports must limit activities exclusively to no-contact drills and practices. Programs for no contact sports where ordinary play allows for social distancing may include ordinary play.
- b. Games, scrimmages, and tournaments shall not be permitted for any organized sports activities.
- c. Programs must separate participants into groups of no more than 10 participants, including coaches and staff.
- d. Indoor athletic facilities shall be open and available exclusively for the use of supervised sports programs, including sports camps, for youths under the age of 18.

The Secretary of the Executive Office of Energy and Environmental Affairs (“EEA”) shall issue guidance to implement these directives and all generally applicable COVID-19 workplace standards for organizers of youth and adult sports programs and operators of facilities that host those programs. Organizers of youth and adult sports programs shall follow the EEA guidance; provided, however, that when the program is governed by formal league rules or other binding agreements or affiliations, the organizer shall comply with any COVID-19 and other health and safety rules applicable under those authorities. The requirements of items (a) – (d) above shall apply in all circumstances.

*Professional Sports:* Effective immediately, professional sports organizations may open their premises to employees and other workers for the activities provided for in Section 1 and may also open their premises to employees for on-premises athletic practices and training,

subject to adoption of COVID-19 health and safety rules implemented under the authority of formal league rules or other binding agreements or affiliations.

Professional sports organizations may not engage in inter-team games within the Commonwealth and may not open any facilities within the Commonwealth to the public until further Order.

#### **4. Preparations and Accommodation for Outdoor Restaurant Dining Service**

Restaurants will be authorized to provide outdoor table service at the commencement of Phase II of the Commonwealth's phased re-opening of workplaces. If the public health data reflects continued positive progression, restaurants will be authorized at a later date and by a subsequent Phase II Order to commence indoor table service. In each case, restaurants will be required to comply with sector-specific COVID-19 workplace safety rules for restaurants.

"Outdoor table service" shall mean service that is provided outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space. Outdoor table service may be provided under awnings or table umbrellas or other cover from the elements, provided, however, that at least 50 percent of the perimeter of any covered dining space must remain open and unobstructed by any form of siding or barriers at all times.

Notwithstanding the provisions of chapter 40A of the general laws, or any special permit, variance or other approval thereunder, or any other general or special law to the contrary, a city or town may approve requests for expansion of outdoor table service, including in the description of licensed premises as described below. Prior to such approval, the mayor, select board, or chief executive as established by charter or special act, shall establish the process for approving such requests. Such process need not comply with the notice and publication provisions of section 11 of chapter 40A.

Any such approval may be exercised immediately upon filing of notice thereof with the city or town clerk, without complying with any otherwise applicable recording or certification requirements.

In order to provide improved opportunities for outdoor table service, for any type of license that permits the sale of alcoholic beverages for on-premises consumption, a local licensing authority ("LLA") may grant approval for a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service as the LLA may deem reasonable and proper, and issue an amended license to existing license holders, without further review or approval by the Alcoholic Beverages Control Commission ("ABCC") prior to issuance. Upon approval of an amended license, the LLA shall provide notice of the amended license to the ABCC. Nothing in this Order shall prevent the ABCC from exercising its statutory or regulatory enforcement authority over any such amended license issued.

On November 1, 2020 or the date this Order is rescinded, whichever is sooner, any approval issued under this Section, including any amended license issued by an LLA as a result of this Order, shall automatically revert back to its status prior to the approval of the change for expansion of outdoor table service or in the description of a licensed premises.

#### **5. Sector-Specific Rules**

The Director of Labor Standards and the Commissioner of Public Health shall issue, subject to my approval, COVID-19 workplace safety rules for certain, specific Phase II enterprise workplace sectors (“Sector-Specific Rules”) to address the particular circumstances and operational needs of those specific workplace sectors. These Phase II Sector-Specific Rules shall supplement the generally applicable COVID-19 safety rules applicable to all workplaces in the Commonwealth. Phase II enterprises shall adopt and comply with all Sector-Specific Rules applicable to their workplaces.

#### **6. Limitations on Gatherings**

A Phase II enterprise that is authorized to open its brick-and-mortar premises to workers under the terms of this Order shall not be subject to the 10-person limitation on gatherings established in Section 3 of COVID-19 Order No. 13 in its normal operations of those premises; provided, however, that Phase II enterprises must comply with the social distancing requirements in the Commonwealth’s generally applicable COVID-19 workplace safety rules, any more specific limitations on gatherings and meeting sizes included in any applicable Sector-Specific Rules, and any other similar restrictions specified in this Order.

Section 3 of COVID-19 Order No. 13 shall otherwise remain in effect for businesses or organizations not permitted to open their brick-and-mortar premises as COVID-19 Essential Services, or Phase I or Phase II enterprises.

#### **4. Exceptions**

This Order shall have no application to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or provider licensed by the Department of Public Health or the Board of Registration in Medicine
- d. Any of the following workplaces or facilities with specialized functions and populations:
  - Public and private elementary and secondary (K-12) schools
  - Residential and day schools for special needs students

- Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization
- Facilities operated by the Department of Correction or any Sheriff
- Facilities operated or licensed by the Department of Mental Health or the Department of Developmental Services
- And any other facilities or workplaces that the Commissioner of Public Health may in writing exempt from the terms of this Order

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 2:20 PM this 1st day  
of June, two thousand and twenty



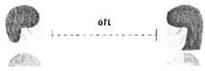
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CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts

These workplace safety standards for restaurants are posted in advance of the Governor's initiation of Phase 2 to allow restaurants time to prepare to operate in compliance with these mandatory health and safety standards. Restaurants may not provide any service beyond carry-out or delivery until specifically authorized to do so in Phase 2 of the Commonwealth's Workplace Re-Opening Plan. The Governor will initiate Phase 2 of the Re-Opening Plan by formal Executive Order and only following a careful review of public health data.

Restaurants may provide outdoor table service at the commencement of Phase 2 of the Commonwealth's Reopening Plan. Restaurants will be authorized at a later date and by a subsequent Phase 2 Order to commence indoor table service if the public health data reflects continued positive progression

## MANDATORY SAFETY STANDARDS



### SOCIAL DISTANCING

When indoor table service is permitted, restaurants are encouraged to structure operations to operate as much as possible through outdoor table service and to strictly limit indoor table service in order to assure effective compliance with social distancing requirements and to limit activities within confined spaces

Restaurants must comply with the following sector specific social distancing rules for providing dining services in all customer seating areas:

- Tables must be positioned so to maintain at least a 6 foot distance from all other tables and any high foot traffic areas (e.g., routes to bathrooms, entrances, exits); tables may be positioned closer if separated by protective / non-porous barriers (e.g., structural walls or plexi-glass dividers) not less than 6 feet high installed between tables and high foot traffic areas
- The size of a party seated at a table cannot exceed 6 people
- Restaurants may not seat any customers at the bar, but subject to any applicable building and fire code requirements, bar areas may be re-configured to accommodate table seating that complies with all spacing and other requirements in these COVID-19 safety standards
- All customers must be seated; eat-in service to standing customers (e.g., around bar areas) is prohibited
- Restaurants may provide carry-out or delivery service, but all safety standards for table separation, size of party, and hygiene must be maintained for any indoor or outdoor table seating that is available to carry-out patrons
- All other amenities and areas not employed for food and beverage service (e.g., dance floors, pool tables, playgrounds, etc.) must be closed or removed to prevent gathering of customers

Ensure separation of 6 feet or more between all individuals (workers, vendors, and customers) unless this creates a safety hazard due to the nature of the work or the configuration of the workspace:

- Close or reconfigure worker common spaces and high density areas where workers are likely to congregate (e.g., break rooms, eating areas) to allow 6 feet of physical distancing; redesign work stations to ensure physical distancing (e.g., separate tables, stagger workstations on either side of processing lines so workers are not face-to-face, use distance markers to assure spacing including in the kitchen area)
- Establish directional hallways and passageways for foot traffic if possible, to minimize contact (e.g., one-way entrance and exit to the restaurant). Post clearly visible signage regarding these policies
- Prohibit lingering in common areas (e.g., waiting areas, bathrooms) and ensure social distancing in common areas by marking 6 feet spacing with tape or paint on the floor and signage
- All customer-facing workers (e.g., servers, bus staff) must minimize time spent within 6 feet of customers

Designate assigned working areas to workers where possible to limit movement throughout the restaurant and limit contact between workers (e.g., assigning zones to servers)

Stagger work schedules and staff meal and break times, regulating maximum number of people in one place and ensuring at least 6 feet of physical distancing

Minimize the use of confined spaces (e.g., elevators, vehicles) by more than one individual at a time

Require face coverings for all customers and workers at all times, except where an individual is unable to wear a face covering due to medical condition or disability

### Recommended best practices

Improve ventilation for enclosed spaces where possible (e.g., open doors and windows)

Customers may remove face coverings while seated at tables

All workers must wash their hands frequently, and table servers must wash their hands or apply hand sanitizer between each table interaction

Ensure access to handwashing facilities on site, including soap and running water, and allow sufficient break time for workers to wash hands frequently; alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative

Alcohol-based hand sanitizers with at least 60% alcohol should be made available at entrances, exits, and in the dining area

Supply workers at workplace location with adequate cleaning products (e.g., sanitizer, disinfecting wipes)

Post visible signage throughout the site to remind workers and customers of hygiene and safety protocols



### HYGIENE PROTOCOLS

# MANDATORY SAFETY STANDARDS



Menus must be one of the following: 1) paper, single-use menus disposed after each use, 2) displayed menu (e.g., digital, whiteboard, chalkboard), 3) electronic menus viewed on customers' phones / mobile devices

Utensils and place settings must be either single-use or sanitized after each use; utensils should be rolled or packaged. Tables should not be pre-set to reduce opportunity for exposure

Tables and chairs must be cleaned and sanitized thoroughly between each seating



When possible, reservations or call ahead seating should be encouraged; managers must ensure that diners waiting for tables do not congregate in common areas or form lines

Restaurants may not provide customers with buzzers or other devices to provide alerts that seating is available or orders are ready; restaurants should instead use no-touch methods such as audio announcements, text messaging, and notices on fixed video screens or blackboards

Provide training to workers on up-to-date safety information and precautions including hygiene and other measures aimed at reducing disease transmission, including:

- Social distancing, hand-washing, and requirement and proper use of face coverings
- Modifying practices for serving in order to minimize time spent within 6 feet of customers
- Self-screening at home, including temperature or symptom checks
- Reinforcing that staff may not come to work if sick
- When to seek medical attention if symptoms become severe
- Which underlying health conditions may make individuals more susceptible to contracting and suffering from a severe case of the virus

Restaurant operators should establish adjusted workplace hours and shifts for workers to minimize contact across workers and reduce congestion at entry points

Limit visitors and vendors on site; shipping and deliveries should be completed in designated areas

Workers should not appear for work if feeling ill

Restaurants must screen workers at each shift by ensuring the following:

- Worker is not experiencing any symptoms such as fever (100.3 and above), cough, shortness of breath, or sore throat;
- Worker has not had 'close contact' with an individual diagnosed with COVID-19. "Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for 15 minutes or more, or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic
- Worker has not been asked to self-isolate or quarantine by their doctor or a local public health official
- Workers who are sick or feeling ill must be sent home.

Anyone showing signs of illness may be denied entry

If the employer is notified of a positive case at the workplace, the employer should notify the local Board of Health (LBOH) where the workplace is located and work with them to trace likely contacts in the workplace and advise workers to isolate and self-quarantine

Notify workers that they may not work if they test positive for COVID-19 (they should be isolated at home) or are found to be a close contact of someone with COVID-19 (they should be quarantined at home)

Testing of other staff may be recommended consistent with guidance and / or at the request of the LBOH. Post notice to workers and customers of important health information and relevant safety measures as outlined in government guidelines

Post notice to workers and customers of important health information and relevant safety measures as outlined in the Commonwealth's [Mandatory Safety Standards for Workplace](#)

Designate the Person in Charge (105 CMR 590) for each shift to oversee implementation of the guidelines in this document

Restaurants will be allowed to maximize outdoor dining space, including patios and parking lots where available, where municipal approval is obtained

### Recommended best practices

When taking reservations and when seating walk-in customers, restaurants should retain a phone number of someone in the party for possible contact tracing

Encourage use of technological solutions where possible to reduce person-to-person interaction (e.g., contactless payment, mobile ordering, text on arrival for seating)

Workers who are particularly high risk to COVID-19 according to the Centers for Disease Control (e.g., due to age or underlying conditions) are encouraged to stay home or arrange an alternate work assignment

## MANDATORY SAFETY STANDARDS



### CLEANING & DISINFECTING

Clean commonly touched surfaces in restrooms (e.g., toilet seats, doorknobs, stall handles, sinks, paper towel dispensers, soap dispensers) frequently and in accordance with CDC guidelines

Keep cleaning logs that include date, time, and scope of cleaning

Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, elevator buttons, staircases)

Implement procedures to increase cleaning / disinfecting in the back-of-house. Avoid all food contact surfaces when using disinfectants. Food contact surfaces must be cleaned and sanitized before use with a sanitizer approved for food contact surfaces. Non-food contact surfaces must be frequently cleaned

In the event of a presumptive or actual positive COVID-19 case of a worker, patron, or vendor, the restaurant must be immediately shut down for 24 hours and then must be cleaned and disinfected in accordance with current CDC guidance before re-opening

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# Wakefield Reopens

Town Council Meeting

June 8, 2020



# Governor's COVID-19 Order NO 35

- Advanced preparations by Phase II enterprises
- Designation of Phase II enterprises
- Limited sports and activities
- Outdoor restaurant dining services
  - Voluntary participation



# Advanced Preparations

- May open to workers to prepare for reopening
- Must always comply with safety and health standards
- May not open premises to the public until authorized

# PHASE II Enterprises

- Retail stores
- Restaurants
- Hotels
- Youth and amateur sports
- Driving schools
- Historic spaces
- Play grounds
- Funeral homes
- Libraries



# Limited Sports and Activities

- Non-contact only
- No games or scrimmages
- Groups of no more than 10
- Indoor use for under 18 only
- Energy and Environmental Affairs guidance

# Outdoor Dining

- Outdoor means outdoor
- No bars
- Coverings are ok but 50% of perimeter must be open
- Zoning relief
- Local authority on liquor-license alterations

# Public Space Use For Outdoor Dining/Retail

- Survey conducted with the Chamber of Commerce
  - 85% respond they are comfortable with outdoor dining
  - 40% respond they are comfortable with indoor dining
  - 60% would be more apt to shop/dine between Friday evening and Sunday afternoon



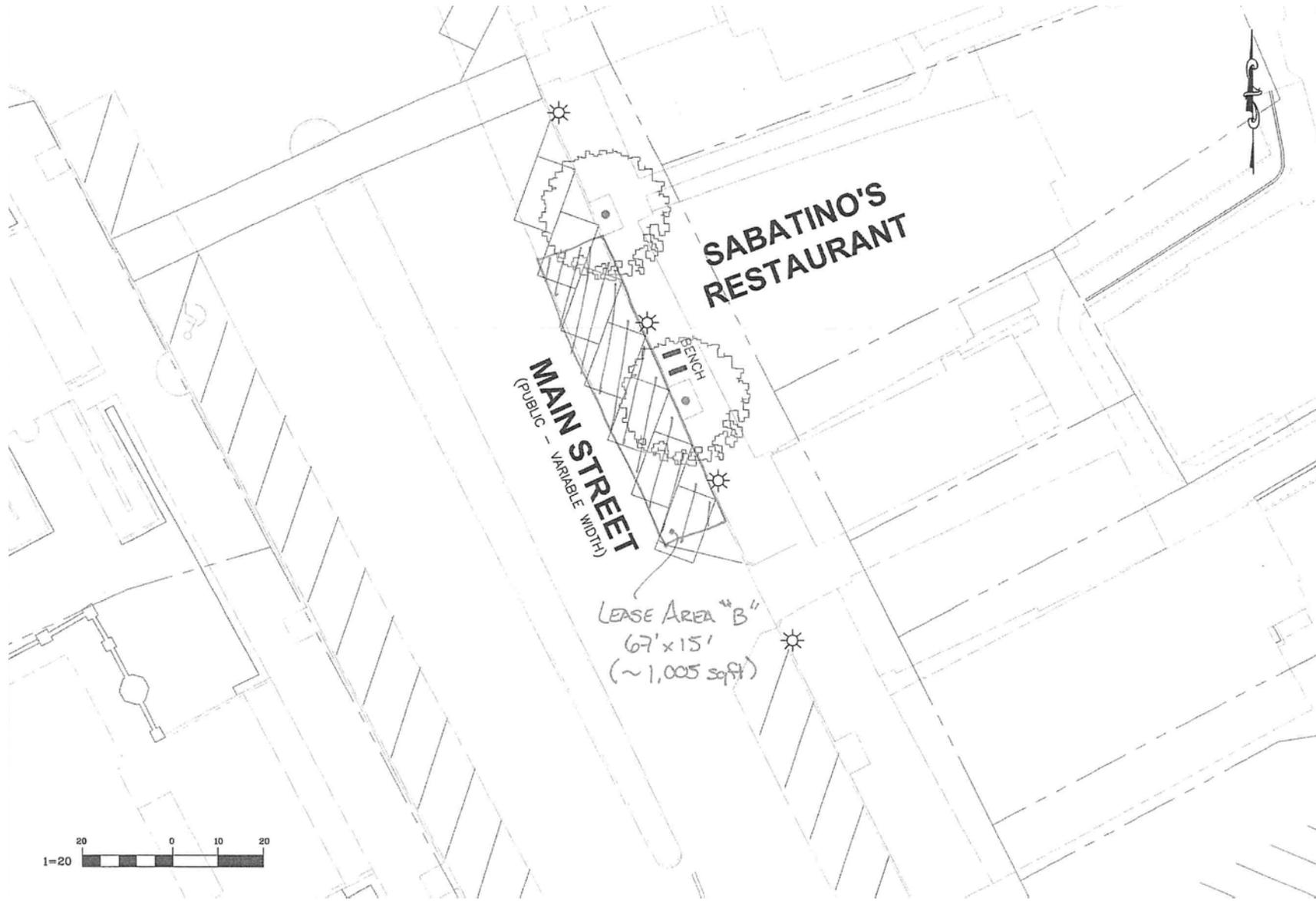
# Wakefield's Plan

- Allow restaurants to utilize privately owned spaces for outdoor dining
  - Zoning issues are relaxed
  - Footprint for liquor license can be altered by Town Council
  - Adherence to state and local guidelines
  - Complete application
  - Area to be designated

# Potential Public Way Utilization Friday-Sunday

- Main Street:
  - Angled parking from crosswalk at Sabatino's to driveway at Eye Associates





REVISIONS

DATE	BY	SCALE
06/11/2020		1"=20'

**SIDEWALK CAFE**  
STREET USE PERMIT  
(SABATINO'S TO EYE ASSOC)  
6/11/2020

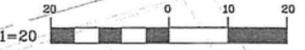
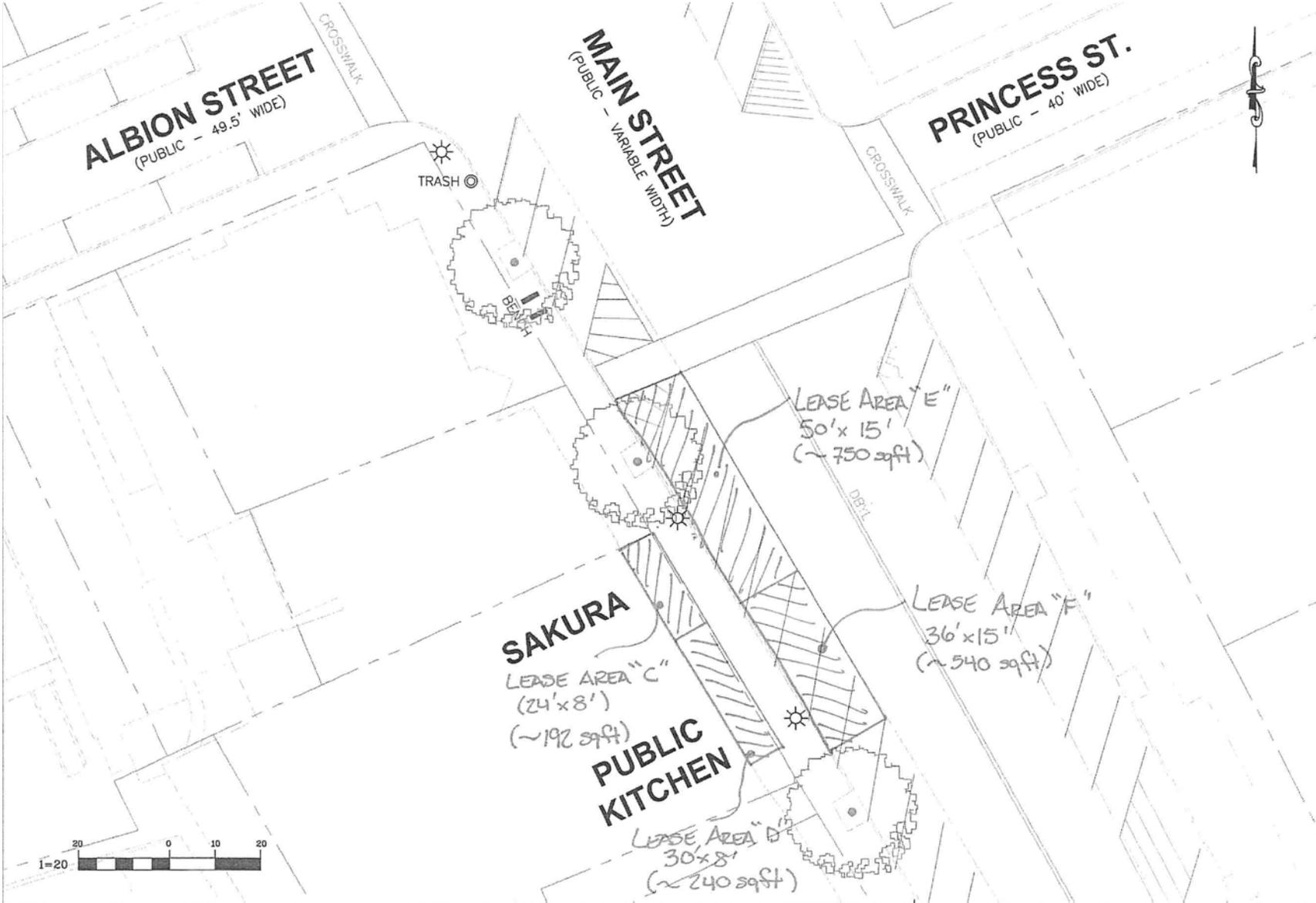
10209

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SHEET 3 OF 9

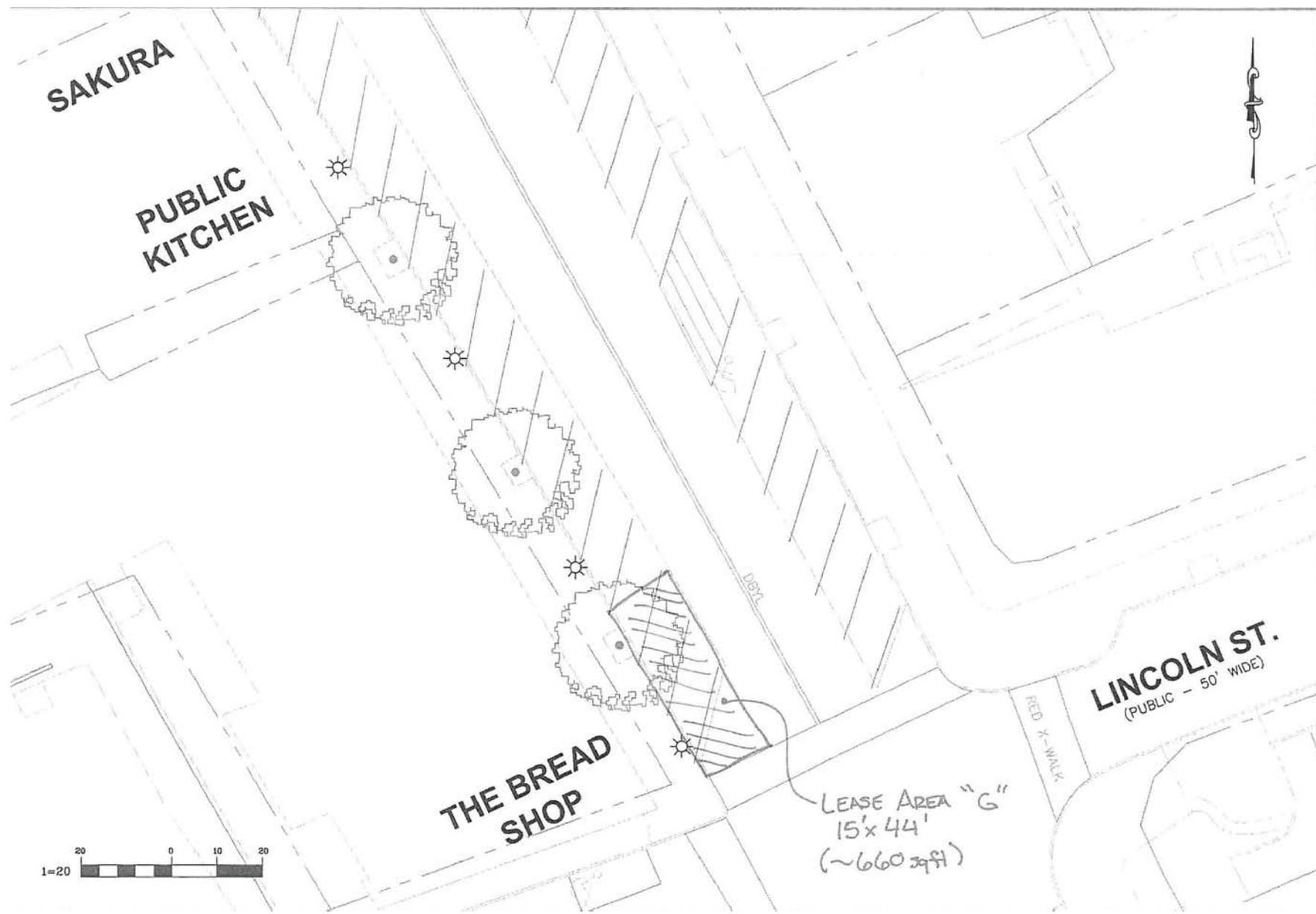
# Potential Public Way Utilization Friday-Sunday

- Main Street:
  - Angled parking from crosswalk at Sabatino's to driveway at Eye Associates
  - Angled parking from Albion to Richardson



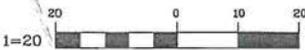
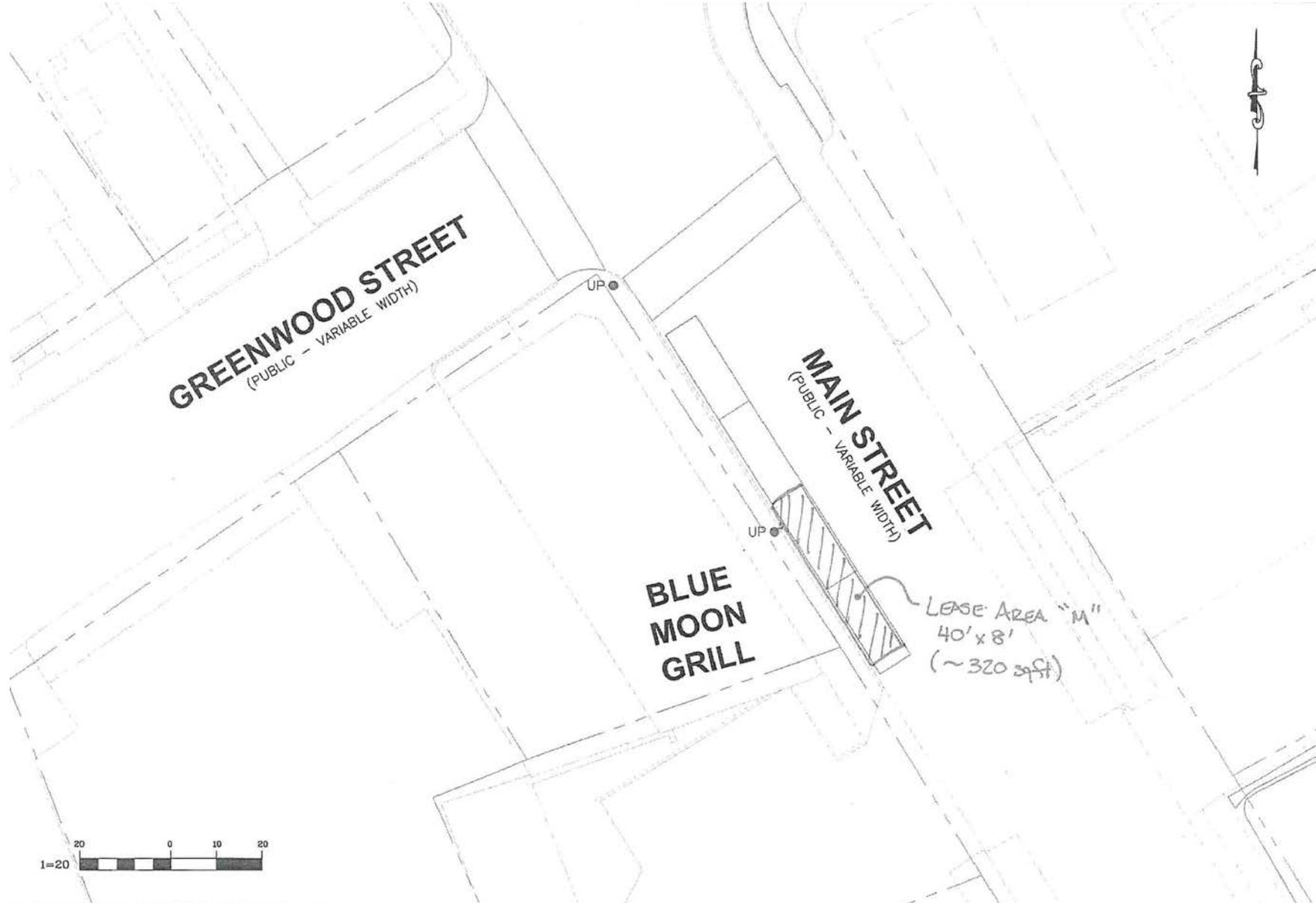


REVISIONS	
NO. DATE	SCALE
1 6/11/2020	1/20
SIDEWALK CAFE STREET USE PERMIT (ALBION ST TO RICHARDSON AVE) 6/11/2020	
10209	
001	
SHEET 4 OF 9	
4	



# Potential Public Way Utilization Friday-Sunday

- Main Street:
  - Angled parking from crosswalk at Sabatino's to driveway at Eye Associates
  - Angled parking from Albion to Richardson
  - Parallel parking in front of Blue Moon Grill



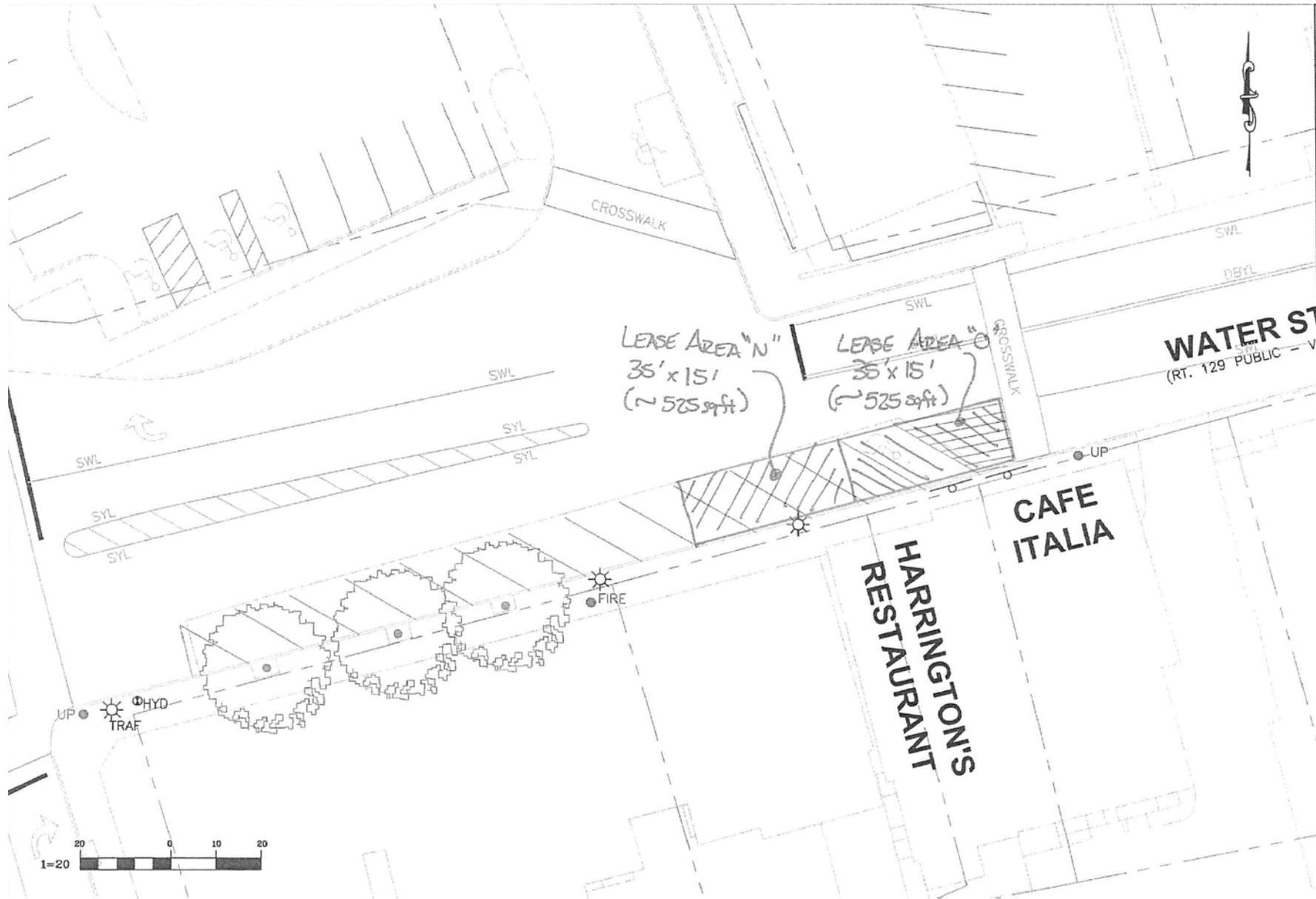
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DATE	BY
2019-11-14	W
10/209	001
SHEET 9 OF 9	

SIDEWALK CAFE  
 STREET USE PERMIT  
 (BLUE MOON GRILL)  
 6/1/2020

10209  
 001  
 SHEET 9 OF 9

# Potential Public Way Utilization Friday-Sunday

- Main Street:
  - Angled parking from crosswalk at Sabatino's to driveway at Eye Associates
  - Angled parking from Albion to Richardson
  - Parallel parking in front of Blue Moon Grill
- Water Street
  - Angled parking in front of Harrington's and Café Italia



REVISED	SCALE 1/4" = 1'-0"
200' PLANS BY DATE BY DATE	SCALE 1/4" = 1'-0"
<b>SIDEWALK CAFE</b> STREET USE PERMIT (HARRINGTON'S TO CAFE ITALIA) 6/17/2020	
10209	
001	
SHEET 6 OF 9	

# Potential Public Way Utilization Friday-Sunday

- Main Street:
  - Angled parking from crosswalk at Sabatino's to driveway at Eye Associates
  - Angled parking from Albion to Richardson
  - Parallel parking in front of Blue Moon Grill
- Water Street
  - Angled parking in front of Harrington's and Café Italia
- Tuttle Street
  - East side from The Savings Bank to parking area

ST. (AVAILABLE WIDTH)

TSB

WAKEFIELD HOUSE OF PIZZA

REMEDY EXCHANGE

CAPOLA CAFE

HAIR STUDIO

MAYA BAR & GRILL

DEPOT BARBER

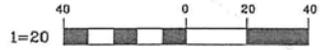
LEASE AREA "H"  
41' x 8'  
(~328 sqft)

LEASE AREA "I"  
20' x 8'  
(~160 sqft)

LEASE AREA "J"  
29' x 8'  
(~232 sqft)

LEASE AREA "K"  
48' x 8'  
(~384 sqft)

TUTTLE



REVISIONS

DATE

BY

WF

SCALE

1:20

SIDEWALK CAFE

STREET USE PERMIT

(TUTTLE STREET & NORTH AVE DINER)

6/1/2020

10209

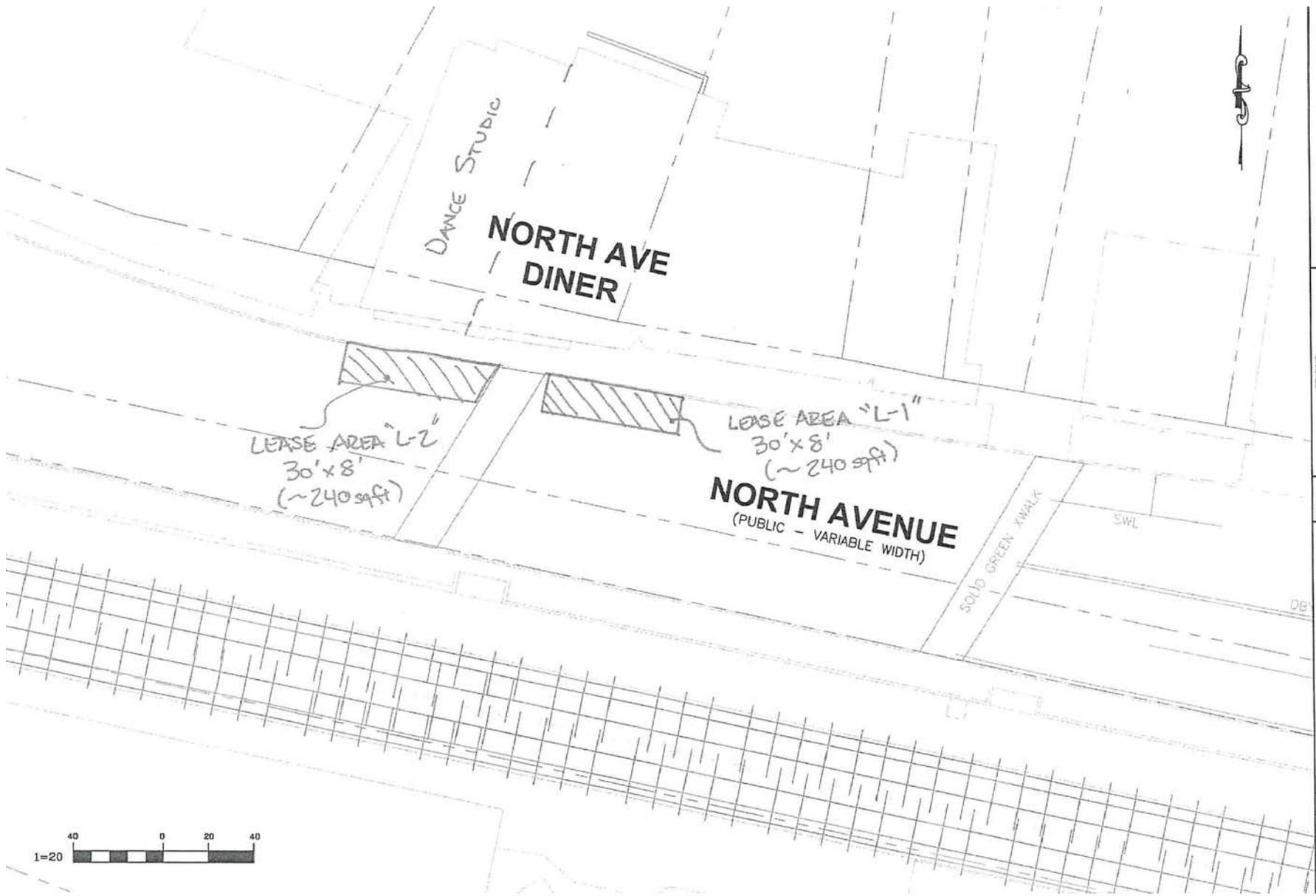
001

SHEET 7 OF 9



# Potential Public Way Utilization Friday-Sunday

- Main Street:
  - Angled parking from crosswalk at Sabatino's to driveway at Eye Associates
  - Angled parking from Albion to Richardson
  - Parallel parking in front of Blue Moon Grill
- Water Street
  - Angled parking in front of Harrington's and Café Italia
- Tuttle Street
  - East side from The Savings Bank to parking area
- North Ave in front of North Ave Diner



REVISIONS

DATE	BY	SCALE
2019 F. rev	DB	1/20

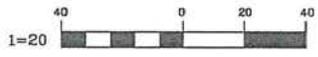
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001

SHEET 9 OF 10

9

SIDEWALK CAFE  
STREET USE PERMIT  
(NORTH AVE DINER)  
6/1/2020



# Potential Public Way Utilization Friday-Sunday

- Approved areas will be limited to the area adjacent to the business frontage
- Police walking presence



# Considerations for Outdoor Dining

- Establishment must complete an application
- Applicant must:
  - Provide their own tables, chairs, specific area restrictions, and/or coverings
  - Follow MA and local Board of Health safety protocols
  - Arrange six feet between tables
- No bar seating

# Considerations for Outdoor Dining

- 90-minute maximum per seating
- Reservations only
- Contact logs maintained
- Maximum party of six

# Action Steps for Town Council

- Approve use of streets and sidewalk areas per plans
- Approve application process
- Approve form of license
- Authorize Town Administrator (with input from Health Agent and Emergency Management Director) to approve alteration of liquor license and food service footprints for both public and private spaces
- Allow retail to enter the public way provided access is sufficient

# Comments and Questions

## Temporary License Agreement

This Temporary License Agreement (this "Agreement") by and between the Town of Wakefield, Massachusetts, a Massachusetts municipal corporation having a usual place of business at 1 Lafayette Street, Wakefield, Massachusetts 01880, acting by and through its Town Administrator, pursuant to authorization granted by the Town Council (the "Town"), and

\_\_\_\_\_ ,  
the owner of a restaurant located at \_\_\_\_\_ (the "Licensee")

Witnesseth that:

Whereas, pursuant to the Governor's COVID-19 Order No. 35, the Town has authority to permit outdoor table service for restaurants on a temporary basis notwithstanding any general or special law or bylaw to the contrary; and

Whereas, pursuant to Chapter 175 of the Code of the Town, the Town Council has authority to permit temporary, private use of the public way, including both the sidewalk and the parking area adjacent thereto; and

Whereas, the Licensee has requested that the Town grant a temporary license for the use and occupancy of a part of the public way immediately in front of the Licensee's restaurant premises for outdoor table service;

Now, therefore, in consideration of the premises set forth above and the mutual promises set forth below, and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby agree as follows:

1. Grant of License. The Town hereby grants and the Licensee hereby accepts, subject to all of the terms and conditions hereof, a temporary, revocable, non-transferable, license (the "License") to use and occupy a portion of the public way immediately in front of the Licensee's restaurant premises, as described textually and shown in a sketch on Exhibit "A" hereto (the "Licensed Area"). The License shall be exclusive as to other restaurants and retail shops, but not with respect to:

- (a) the public, which must at all times have the right to pass and re-pass over a portion of the sidewalk broad enough to provide, and so located as to ensure, free passage for all persons, including the handicapped, as shown on the said sketch; and
- (b) the Town, which retains the right to access all parts of the public way at all times.

2. Purpose of License. The sole purpose of the License and this Agreement is to permit and encourage the temporary alteration of the Licensee's restaurant operations by allowing expansion into the Licensed Area during the pendency of the COVID-19 pandemic. Food and alcohol may be served in the Licensed Area so long as the appropriate state and local permits and licenses are acquired and maintained.

3. Dates and Times. The License shall be effective from the date hereof until the earliest of (a) its revocation by the Town; (b) November 1, 2020; or (c) the Governor's revocation of the said COVID-19 Order No 35. License rights granted under this Agreement may be exercised during the days and hours set forth below:

- (x) Fridays from \_\_\_ p.m. to \_\_\_ p.m.
- (y) Saturdays from \_\_\_ p.m. to \_\_\_ p.m.
- (z) Sundays from \_\_\_ p.m. to \_\_\_ p.m.

4. Forbidden Activities. The following activities are not permitted under this Agreement: (i) placing any structure, sign, bulletin board, post, pole, or advertising device of any kind whatever upon the public way (including the Licensed Area) or attaching any notice, bill, poster, sign, wire, rope, or cord to any tree, shrub, fence, railing, post or structure in such areas, except as previously authorized by the Town in writing; (ii) use of combustibles or fire in any fashion or the discharge of weapons or fireworks, or consumption or having possession of any alcoholic beverages whatsoever unless the same is included in an alcoholic beverages license issued by the Town; (iii) engaging in any activity which is contrary to any federal, state or local law; (iv) engaging in any noisome, noxious or disturbing activity, having due regard for the neighborhood; and (v) making any other use of the Licensed Area other than that allowed hereunder.

5. Indemnification. The Licensee shall defend and indemnify the Town and each and all of its elected and appointed officials, employees, servants, agents and insurers, and shall hold each and all of them harmless, from and against any and all claims, suits, demands, liabilities, actions, causes of action, damages, costs and expenses, including reasonable attorneys' fees, arising directly or indirectly from or in connection with the Licensee's use and/or occupancy of the Licensed Area and/or from any negligent or willful act or omission by the Licensee, its servants, agents, employees or invitees.

6. Maintenance of Licensed Area. The Licensee shall be responsible to maintain the Licensed Area in a neat, clean and safe condition during the hours of licensed use set forth in § 3, above, free from all trash and debris, and shall, immediately following every such period of licensed use, clean the Licensed Area and remove all of the Licensee's personal property, trash and debris therefrom, leaving the Licensed Area in at least as good condition as it was prior to such licensed use. Nothing shall be placed or left on the public way outside the Licensed Area at any time, or left on the Licensed Area outside the said hours of licensed use.

7. Licensee Responsible for Area. The License granted hereby is not transferable or assignable. The Licensee shall be solely responsible for any uses permitted by it within the Licensed Area. The Licensee shall supervise and oversee all use of the Licensed Area during the periods of licensed use and shall be solely responsible for the Licensed Area during such times. The Licensee shall take all reasonable steps necessary to secure and protect the Licensed Area and to prevent access to it by those not authorized.

8. Revocation. The Town may revoke the License at any time for any reason or no reason. The Licensee acknowledges that it has no property interest in this Agreement or the License, and no right to use the public way beyond that of the public generally.

9. No Liability for Town. The Town shall have no liability for any damage or loss of the property of the Licensee or others and no claim shall be made therefor against the Town. The use of the License and the Licensed Area is at the sole risk of the Licensee and not the Town. The Licensee acknowledges that it has inspected the Licensed Area and is satisfied as to the suitability thereof for the Licensee's purposes. No warranty or representations as to the site or its suitability for any particular purpose is made by the Town. The Licensee accepts the Licensed Area in its current condition, "as-is, where-is." No act or omission of the Town shall constitute or be construed to be an explicit and specific assurance of safety or assistance. The Town may inspect the Licensed Area at any time.

WITNESS OUR HANDS AND SEALS as of this \_\_\_ day of \_\_\_\_\_, 2020.

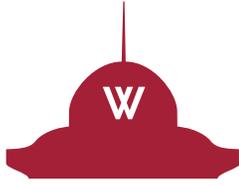
TOWN OF WAKEFIELD

LICENSEE:

\_\_\_\_\_

\_\_\_\_\_  
Stephen P. Maio,  
Town Administrator,  
Duly Authorized

By: \_\_\_\_\_  
Name:  
Title:



# TOWN OF WAKEFIELD

TOWN ADMINISTRATOR'S OFFICE

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## Sidewalk and Street Use Permit

This is a temporary permit requested under Phase 2, Business Reopening Guidelines issued by the Governor of Massachusetts in response to the COVID-19 Emergency.

Applications must be submitted to the Town Administrator's office to the attention of Sherri Dalton at [sdalton@wakefield.ma.us](mailto:sdalton@wakefield.ma.us).

Date: \_\_\_\_\_ Expansion of current liquor license area requested? Yes      No

Name of Existing Business: \_\_\_\_\_

Business Street Address: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Area Requested: \_\_\_\_\_

See the numbered public areas the Town of Wakefield has allocated for temporary use by existing downtown merchants.

Briefly describe the use proposed, such as the number of tables and chairs, the display or sales tables, and the number of people that will staff the location requested:

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date



.....

**For Internal Use Only**

Town Administrator:

Approved       Denied      Date: \_\_\_\_\_      By: \_\_\_\_\_

Board of Health:

Approved       Denied      Date: \_\_\_\_\_      By: \_\_\_\_\_

Conditions and comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# WARRANT

## ANNUAL TOWN MEETING, JUNE 20, 2020

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 the **Wakefield Memorial High School Field House, 60 Farm Street** in said Wakefield on **Saturday, the 20<sup>th</sup> day of June, 2020 at nine o'clock in the morning**, then and there to act on the following articles:

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

**ARTICLE 1.** To see if the Town will vote to accept the provisions of G.L. c. 44, § 53F1/2 establishing a Cable Television Public Access Enterprise Fund for Fiscal Year 2021, which begins on July 1, 2020, or to see what the Town will do about it.

**Town Council**

**ARTICLE 2.** 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 3.** 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 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, 2020 as the Board of Light Commissioners may vote in computing the tax rate for the fiscal period July 1, 2020 to June 30, 2021, or to see what the Town will do about it.

**Municipal Light Commissioners**

**ARTICLE 5.** To see if the Town will vote to appropriate a sum of money for remodeling, reconstructing or making extraordinary repairs to, and for constructing additions to, the Public Safety Building, 1 Union Street, including the costs of originally equipping, furnishing, landscaping, paving and performing other site improvements incidental or directly related to such remodeling, reconstruction, repair, additions and new construction, and including architectural, surveying and engineering fees and other costs incidental or related thereto, and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to see what the Town will do about it.

**Town Council**

**ARTICLE 6.** To see if the Town will appropriate \$10,000,000 to pay costs of roadway improvements, and for the payment of all other costs incidental and related thereto, and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to see what the Town will do about it.

**Town Council**

**ARTICLE 7.** To see if the Town will vote to establish, with respect to the following revolving funds, the following limits on the total amount that may be expended from each such fund in Fiscal Year 2021: Revolving Fund – Road Repair; Maximum Expenditure - \$75,000.00, or to see what the Town will do about it.

**Town Council**

**ARTICLE 8.** To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to expend under the direction of the Permanent Building Committee for the purpose of repair and/or renovation including but not limited to potential roof replacement to the Greenwood School building at 1030 Main Street, for which repair and/or renovation including but not limited to potential roof replacement to the Greenwood School building the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the repairs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or to see what the Town will do about it.

**Permanent Building Committee**

**ARTICLE 9.** To see if the Town will vote to make repairs to the Town's drainage system located on or near New Salem Street including the design, renovation, upgrading and reconstruction of the culvert located there, and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to see what the Town will do about it.

**Town Council**

**ARTICLE 10.** 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 11.** To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Massachusetts Coalition of Police, Wakefield Division for the period of July 1, 2020 to June 30, 2023 and to provide therefore that the Town raise and appropriate or transfer from available funds a sufficient sum of money to carry out the purposes of this Article, or to see what the Town will do about it.

**Town Council**

**ARTICLE 12.** To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Wakefield Police Superior Officers Association for the period of July 1, 2020 to June 30, 2023 and to provide therefore that the Town raise and appropriate or transfer from available funds a sufficient sum of money to carry out the purposes of this Article, or to see what the Town will do about it.

**Town Council**

**ARTICLE 13.** To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Wakefield Firefighter's Union Local 1478 International Association of Firefighters, AFL-CIO for the period of July 1, 2020 to June 30, 2023 and to provide therefore that the Town raise and appropriate or transfer from available funds 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 implement collective bargaining agreements between the Town of Wakefield and the Wakefield Municipal Administrative, Supervisory and Professional Employees' Association for the period of July 1, 2020 to June 30, 2023 and to provide therefore that the Town raise and appropriate or transfer from available funds 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 15.** 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 appropriations of all budgets for the period of July 1, 2019 to June 30, 2020, 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 from tax levy or transfer from available funds a sum of money to indemnify certain police officers and/or 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 17.** 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 pay for the services of School Department employees and/or independent contractors to obtain Medicaid reimbursement for certain special education costs and expenses incurred by the Town, 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 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 19.** To see if the Town will vote to appropriate a sufficient sum of money to make repairs to a portion of Walton Lane, a private way in the Town, in accordance with the provisions 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, or to see what the Town will do about it.

**Town Council**

**ARTICLE 20.** 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 21.** To see if the Town will vote to authorize the Town Council to petition the Legislature to enact special legislation to amend 2004 Mass. Acts Chapter 458 by deleting § 1 thereof and replacing it with the following: "SECTION 1. The Town Administrator of the Town of Wakefield may appoint, as he deems necessary, retired Wakefield police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work. The retired police officers shall have been regular Wakefield police officers and retired based on superannuation. Special police officers shall not be subject to the same maximum age restrictions as applied to regular Wakefield police officers under chapter 32 of the General Laws, but shall not be eligible to serve as special police officers if they have reached the age of 68. A special police officer shall pass a medical examination by a physician or other certified professional chosen by the town to determine that he/she is capable of performing the essential duties of a special police officer, the costs of which shall be borne by the special police officer, prior to performing police details; and to also amend 2004 Mass. Acts Chapter 458 by deleting § 7 thereof and replacing it with the following: "SECTION 7. Special police officers appointed under this act shall not be subject to sections 100 and 111F of chapter 41 of the General Laws. Special police officers appointed under this act shall not be subject to section 85H of chapter 32 of the General Laws, nor eligible for any benefits pursuant thereto." Such legislation to be effective immediately; provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or to see what the Town will do about it.

**Town Council**

**ARTICLE 22.** To see if the Town will vote to amend the Zoning Bylaw, Town of Wakefield by amending the Wakefield Zoning Map dated May 2, 2016 by changing the zoning district designation of so much of the properties on North Avenue shown on the Wakefield Assessors Maps as Parcel 47B on Map 2A, Parcel 2+ on Map 2A, and Parcel 47L on Map 2A as is currently within the Single Residence District to the General Residence District, as shown on a map on file with the Town Clerk, or to see what the Town will do about it.

**Citizen Petition**

**ARTICLE 23.** To see if the Town will vote to amend the Zoning Bylaw, Town of Wakefield by amending the Wakefield Zoning Map dated May 2, 2016 by changing the zoning district designation of so much of the property on New Salem Street shown on the Wakefield Assessors Maps as Parcel 012 on Map 29 as is currently within the Industrial District or Single Residence District to the General Residence District, as shown on a map on file with the Town Clerk, or to see what the Town will do about it.

**Citizen Petition**

**ARTICLE 24.** To see if the Town will vote to amend the Zoning Bylaw, Town of Wakefield by amending the Wakefield Zoning Map dated May 2, 2016 by changing the zoning district designation of so much of the properties on Main Street, Avon Street and Chestnut Street shown on the Wakefield Assessors Maps as Parcel 87D on Map 12, Parcel 087 on Map 12, Parcel 076 on Map 12, Parcel 62+ on Map 12 and portions of Avon Street and Chestnut Street as is currently within the General Residence District to the Business District, as shown on a map on file with the Town Clerk, or to see what the Town will do about it.

**Citizen Petition**

**ARTICLE 25.** To see if the Town will vote to amend the Zoning Bylaw, Town of Wakefield as follows: Amend §190-31. General Regulations of the Zoning Bylaw, Town of Wakefield by adding the following at the end thereof as L.: L. The Board of Appeals may allow reductions and/or increases to the requirements of Table 2 (Table of Dimensional Regulations) of the Zoning Bylaw, Town of Wakefield, for professional and/or business offices and/or financial institutions by special permit. Any such reductions and/or increases shall be supported by evidence of lack of suitable land or design considerations or other similar factors. The Board of Appeals must also find that the granting of said special permit will not adversely affect the health, safety, convenience, character or welfare of the neighborhood or the Town. Amend §190-31. General Regulations of the Zoning Bylaw, Town of Wakefield by adding the following at the end thereof as M.: M. The Board of Appeals may allow reductions and/or alterations to the requirements of §190-31G of the Zoning Bylaw, Town of Wakefield, for professional and/or business offices and/or financial institutions by special permit. Any such reductions and/or alterations shall be supported by evidence of lack of suitable land or design considerations or other similar factors. The Board of Appeals must also find that the granting of said special permit will not adversely affect the health, safety, convenience, character or welfare of the neighborhood or the Town, or to see what the Town will do about it.

**Citizen Petition**

**ARTICLE 26.** To see if the Town will vote to amend § 154-10 of the Code of the Town, a general bylaw entitled "Plastic Bag reduction," by adding the underlined text below and deleting the text marked with ~~strike throughs~~, all such changes to be effective as of January 1, 2021: § 154-10. Plastic bag and drinking straw reduction. **A.** Purpose and intent. The purpose of this bylaw is to limit the amount of greenhouse gas emissions, preserve the oceans, protect wildlife, and reduce the amount of trash that ends up on the streets and in landfills by using recyclable, reusable, or compostable bags instead of ~~thin film single use~~ plastic checkout bags, restaurant take-out bags and drinking straws. **B.** Definitions. **CHECKOUT BAG** - A carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store. **GROCERY STORE** - A retail establishment where more than 50% of the gross floor area is devoted to the sale of food products for home preparations and consumption, which typically also offers home care and personal care products. **RESTAURANT TAKE-OUT BAG** - A carryout bag provided by a common victualler to a customer for the purpose of transporting take-out or left-over food. **RETAIL STORE** - An establishment that offers the sale and display of merchandise within a building. **REUSABLE CHECKOUT BAG** - A bag, with handles, that is specifically designed for multiple use and is made of ~~thick plastic~~, cloth, fabric or other durable materials. **THIN-FILM SINGLE-USE PLASTIC BAGS** - Typically with plastic handles, these are bags with a thickness of less than 2.25 mils and are intended for single-use transport of purchased products. **C.** Use regulations. **(1)** ~~Thin film single use~~ Plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Wakefield, nor used as restaurant take-out bags by common victuallers within the Town. Retail stores, grocery stores and common victuallers may, when requested by a customer, sell plastic bags of 2.25 mils or more, regardless of size. **(2)** Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable, non-plastic checkout bags available for sale to customers at a reasonable price. **(3)** ~~Thin film~~ Plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise, typically without handles, are ~~still~~ permissible. **(4)** Common victuallers within the Town shall not offer single-use plastic drinking straws to customers but may furnish them if specifically requested by a customer. **D.** Enforcement process. Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her designee. The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any ~~retail or grocery store distributing plastic grocery bags~~ in violation of this bylaw shall be subject to a noncriminal disposition fine, in accordance with § 1-7 of these bylaws. Any fines shall be paid to the Town of Wakefield. **E.** ~~Effective date. This bylaw shall take effect on July 1, 2018 (retail stores occupying a finished space of 2,500 square feet or less: September 1, 2018). Extensions (of up to three months) may be granted by the Town Administrator upon written request.~~ and to amend § 1-7 of the Code of the Town, a general bylaw entitled "Noncriminal disposition," by adding the underlined text below in subsection E thereof: **E.** Any alleged violation of the Plastic Bag and Drinking Straw Reduction Bylaw, § 154.10 of these Bylaws, shall be made the subject of noncriminal disposition proceedings by the Town Administrator or his or her designee under G.L. c. 40, § 21D. The penalty for such violation shall be a written warning for the first offense, a fine of \$100 for a second offense and a fine of \$200 for the third, and a fine of \$300 for a fourth and any subsequent offense, or to see what the Town will do about it.

**Citizen Petition**

**ARTICLE 27.** To see if the Town will vote to amend the General Bylaws by adding the following as Chapter 192 of the Code of the Town: **Chapter 192. Sustainable Food Containers and Packaging 192-1. Declaration of findings and purpose:** The Town of Wakefield hereby finds that the prohibition on the use of foam polystyrene food containers and packaging by food service establishments and the sale or use of those products by any business in the Town of Wakefield is a public purpose that protects

the public health, welfare and environment, advances solid waste reduction, protects waterways and aids the Town in its fight against climate change. **192-2. Definitions** The following words shall, unless the context clearly requires otherwise, have the following meanings in this bylaw: **a.** "Biodegradable" means entirely made of organic materials such as wood, paper, bagasse or cellulose, or of bioplastics that meet the American Society for Testing and Materials (ASTM) D7081 standard for Biodegradable Plastics in the Marine Environment, or of materials satisfying any other standard that may be developed specifically for an aquatic environment. Any biodegradable products must be clearly labeled with the applicable standard. **b.** "Compostable" means made of bioplastic materials certified to meet the American Society for Testing and Materials International Standards D6400 or D6868, as those standards may be amended. ASTM D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate. Compostable materials shall also include products that conform to ASTM or other third-party standards (such as Vincotte) for home composting. Any compostable products must be clearly labeled with the applicable standard. **c.** "Disposable food container" means all food and beverage containers, bowls, plates, trays, cartons and cups, designed for one-time or non-durable uses, on or in which any food vendor directly places or packages prepared foods on the food provider's premises or which are used to consume foods. This includes, but is not limited to, food service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments. **d.** "Foam polystyrene" means a non-biodegradable petrochemical thermoplastic made from aerated forms of polystyrene and includes several methods of manufacture. Expanded polystyrene (EPS) or extruded polystyrene (XPS) are forms of polystyrene. "Styrofoam" is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to foam polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials and egg cartons. The products are sometimes recognized by a #6 resin code on the bottom. **e.** "Food establishment" means a business or governmental establishment that stores, prepares, packages, serves, sells, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the state food code. **f.** "Packing material" means polystyrene foam used to hold, cushion, or protect items packed in a container for shipping, transport, or storage. This includes, without limitation, packing "peanuts", and shipping boxes, coolers, ice chests, or similar containers made, in whole or in part, from polystyrene foam that is not wholly encapsulated or encased within a more durable material. **g.** "Prepared food" means any food or beverage packaged or prepared for consumption on the food provider's premises, using any cooking or food preparation technique or provided for further food preparation. **h.** "Recycle" refers to material that can be sorted, cleansed, and reconstituted using Wakefield's curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste. **i.** "Retail establishment" means a business establishment engaged in the retail sale of goods directly to consumers. **j.** "Reusable" refers to products that will be used more than once in their same form by a food establishment. Reusable food service ware includes tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor. **k.** "Rigid polystyrene" means a non-biodegradable petrochemical thermoplastic made from a non-aerated form of polystyrene. Also known as "oriented polystyrene," the material is generally clear or solid in appearance and is used to make clear clamshell containers, cups, plates, straws, lids and utensils. The products are sometimes recognized by a #6 resin code on the bottom. **192-3. Prohibited use and distribution of food ware and packaging.** **a.** Food establishments are prohibited from dispensing food or beverages to any person in disposable food containers made from foam or rigid polystyrene. **b.** All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on the premises. Food establishments using any disposable food service ware are strongly encouraged to use biodegradable, compostable, reusable or recyclable food service ware. **c.** Retail establishments are prohibited from selling or distributing disposable food containers made from foam or rigid polystyrene to customers. **d.** Retail establishments are prohibited from selling or distributing polystyrene foam or rigid packing material to customers. **192-4. Effective date.** This section shall take effect on January 1, 2021. **192-5. Enforcement** **a.** Any food or retail establishment which violates any provision of this section shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; and subsequent offenses, \$100.00. Each day a violation continues shall constitute a separate offense. **b.** This section shall be enforced by the Director of the Health Department, or his or her designee. **c.** Any violation of this section may, in the sole discretion of the Director of the Health Department, or his or her designee, be made the subject of noncriminal disposition proceedings under G.L. c. 40, § 21D and § 1-7 of the Code of the Town. **192-6. Severability** Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable, or to see what the Town will do about it.

**Citizen Petition**

**ARTICLE 28.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of settling a claim asserted by The Woods, LLC with respect to environmental contamination allegedly caused by the Town on certain real property abutting Butler Avenue and shown as Block 138, Lot 51CG and Block 143, Lot 51 on Map 30 and as Block 214, Lot 27 on Map 31; or to see what the Town will do about it.

**Town Council**

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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 twenty-eighth day of May, two thousand and twenty.

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

<p><b>A true copy attest:</b> Kevin Lopes Constable</p>
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