

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 20th 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 filed 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 ~~this 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



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

A true copy attest:
Kevin Lopes
Constable

TOWN CLERK
WAKEFIELD MA

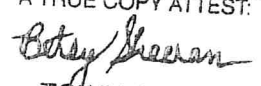
RETURN OF SERVICE 2020 JUN -2 AM 6:51

I, Constable Kevin Lopes hereby certify that I have posted the Annual Town Meeting Warrant of
June 20, 2020 on June 1st 2020.


Kevin Lopes
Constable

Received by:

Betsy Sheeran
Town Clerks Office 6-2-2020

A TRUE COPY ATTEST:

TOWN CLERK
TOWN OF WAKEFIELD