

# TOWN WARRANT

## ANNUAL TOWN ELECTION, APRIL 24, 2018

## ANNUAL TOWN MEETING, APRIL 30, 2018

Middlesex, ss:

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

*GREETING:*

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 **Masonic Building, 370 Salem Street (Precincts One and Seven); Crystal Community Club, 71 Preston Street (Precincts Two and Three); Most Blessed Sacrament Church Hall, 1155 Main Street (Precinct Four); West Side Social Club, 4 Harrington Court (Precincts Five and Six)** in said Wakefield on **Tuesday, the 24th day of April, 2018 when the polls will be open between the hours of 7:00 AM and 8:00 PM**, then and there to act on the following:

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

### Question:

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

### Summary:

Town Meeting proposed an amendment that would change the name of the Board of Selectmen to the "Town Council". Members of the Town Council would be known as "Councilors" and the chair of that or any other public body would be known as the "Chairperson".

### Annual Town Meeting April 30, 2018

All business of said meeting, except the election of such officers and the determination of such matters as by law are required to be elected or determined by ballot, shall be considered at 7:00 PM, on Monday, the 30th day of April, 2018 at the Galvin Middle School Auditorium, 525 Main Street, in said Town, then and there to act on the following articles:

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

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

### Board of Selectmen

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

### Capital Outlay Committee

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

### Board of Selectmen

**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, 2018 as the Board of Light Commissioners may vote in computing the tax rate for the fiscal period July 1, 2018 to June 30, 2019, or to see what the Town will do about it.

### Municipal Light Commissioners

**ARTICLE 5.** To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Lucius Beebe Memorial Library Staff Association for the period of July 1, 2018 to June 30, 2021 and to provide therefor 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.

### Board of Selectmen

**ARTICLE 6.** To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Wakefield Clerical (Town Hall) AFSCME Council 93, Local 3117 for the period July 1, 2018 to June 30, 2021 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.

### Board of Selectmen

**ARTICLE 7.** To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Wakefield Massachusetts Laborers District Council, Local 381 for the period of July 1, 2018 through June 30, 2021 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.

### Board of Selectmen

**ARTICLE 8.** 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 to raise this appropriation by borrowing or otherwise, or to see what the Town will do about it.

### Board of Selectmen

**ARTICLE 9.** To see if the Town will raise and appropriate or transfer from available funds including the excess and deficiency account a sum of money to supplement the Fire Department budget for the period of July 1, 2017 to June 30, 2018, or to see what the Town will do about it.

### Board of Selectmen

**ARTICLE 10.** To see if the Town will vote to raise and appropriate or transfer from available funds, including by appropriating from the Special Education Stabilization Fund, a sufficient sum of money to supplement the School Department budget for the period of July 1, 2017 to June 30, 2018 to provide for the payment of Special Education costs, or to see what the Town will do about it.

### School Committee

**ARTICLE 11.** To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to petition the Legislature for passage of special legislation substantially as provided below, 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: AN ACT AUTHORIZING THE TOWN OF WAKEFIELD TO ESTABLISH A MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION. SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the town of Wakefield there shall be an exemption from the property tax in an amount to be set annually by the board of assessors as provided in section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall be a unit of real property as defined by the board of assessors under the deed for the property and shall include a condominium unit. The exemption provided for herein shall be in addition to any and all other exemptions allowed by the General Laws. SECTION 2. The board of assessors may deny an application if they find the applicant has excessive assets that place the applicant outside the category of intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met: (a) The qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit under section 6(k) of chapter 62 of the General Laws; (b) The qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older; (c) The qualifying real property is owned and occupied by the applicant or joint applicants as their domicile; (d) The applicant or at least 1 of the joint applicants has been domiciled and owned a home in the town of Wakefield for at least 10 consecutive years before filing an application for the exemption; (e) The assessed value of the domicile is no greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit under section 6(k) of chapter 62 of the General Laws as adjusted annually by the Department of Revenue; and (f) The board of assessors has approved the application. SECTION 3. The board of assessors shall annually set the exemption amount provided for in section 1, provided that the amount of the exemption shall match the amount of the circuit breaker income tax credit under section 6(k) of chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers. SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption. SECTION 5. No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy. SECTION 6. This act shall expire after 3 years of implementation of the exemption, or to see what the Town will do about it.

### Board of Selectmen

**ARTICLE 12.** To see if the Town will vote to approve the Wakefield Retirement Board's vote to increase the maximum base amount on which the cost-of-living adjustment is calculated for Wakefield Retirement System retirees and survivors from \$12,000 to \$14,000 for FY 19 and subsequent years in accordance with M.G.L. Chapter 32, § 103(j), or to see what the Town will do about it.

### Wakefield Retirement Board

**ARTICLE 13.** To see if the Town will vote to authorize the Board of Selectmen 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.

### Board of Selectmen

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

### Board of Selectmen

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

### Board of Selectmen

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

### Board of Selectmen

**ARTICLE 17.** To see if the Town will vote to raise and appropriate from tax levy, or transfer from water enterprise and sewer enterprise or other available funds, a sufficient sum of money for the replacement of the public works mobile radio system, or to see what the Town will do about it.

### Board of Selectmen

**ARTICLE 18.** To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for water main improvements, and to determine whether the appropriation shall be raised by borrowing or otherwise, or to see what the Town will do about it.

#### **Board of Selectmen**

**ARTICLE 19.** To see if the Town will vote to authorize the Board of Selectmen, in the name and behalf of the Town, to execute a lease of up to 99 years with the Massachusetts Bay Transportation Authority (the "MBTA") for all or any portion of the land, premises, easements, rights-of-way and other rights in Wakefield comprising the former Newburyport Branch railroad right-of-way held by the MBTA, some or all of which was acquired by the MBTA by Order of Taking dated February 16, 1977, and recorded in the Middlesex South District Registry of Deeds at Book 13156, Page 34, for the purposes of establishing, constructing, operating and maintaining a multi-use rail trail, with related facilities and improvements, for non-motorized transportation, open space and recreation purposes including walking, running, road and mountain bicycling, wheelchairs, accessible cycling equipment, inline skating, scooters, tricycles, rolling backpacks, strollers, cross-country skiing, snow-shoeing, and other forms of active and passive recreation, and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth; or to see what the Town will do about it.

#### **Board of Selectmen**

**ARTICLE 20.** To see if the Town will vote to amend § 190-73 of the Zoning Bylaws, concerning the fees charged by the Zoning Board of Appeals, as follows: by deleting subsection A and replacing it with the following: "For all applications there is a fee of \$250 to cover the cost of advertising. A fee of \$2.00 per abutter will be charged for each abutter to be notified by mail." And (1) by revising the fees set forth in subsections B(1) and B(2) as set forth below, deleting the amounts shown with strikeouts and replacing them with the underlined amounts: "B. In addition, the following fees shall be paid: "(1) Applications for petitions before the Zoning Board of Appeals: "(a) Appeals from actions of administrative officials or agencies: ~~\$125.00~~ 250.00; "(b) Residential variances related to dimensional regulations: ~~\$50.00~~ 150.00; "(c) Nonresidential variances related to dimensional regulations: ~~\$100.00~~ 300.00; "(2) Applications for petitions before a special permit granting authority: "(a) Multifamily or attached dwelling development: ~~\$70.00~~ 100.00 per residential unit; "(b) Cluster development: ~~\$70.00~~ 100.00 per residential unit; "(c) Any other special permit required by this chapter: ~~\$100.00~~ 200.00.", or to see what the Town will do about it.

#### **Board of Appeals**

**ARTICLE 21.** To see if the Town will vote to amend the General Bylaws as follows: a. by deleting therefrom the following: 1. Chapter 14, entitled "Council on Aging"; 2. Chapter 43, entitled "Personnel Policies and Compensation"; 3. Chapter 47, entitled "Purchasing"; 4. § 56-3, entitled "Appointments", within Chapter 56, entitled "Selectmen, Board of"; and 5. Chapter 115, entitled "Excavations"; b. by making the following language clarifications: 1. amending Chapter 62, entitled "Treasurer", as follows: i. in § 62-1, entitled "Assignment of tax titles," replacing "Treasurer of the town" with "Treasurer" and replacing "by and with the consent of the Selectmen" with "by and with the consent in writing of the Board of Selectmen"; ii. in § 62-2, entitled "Conveyance of property", replacing "Town Treasurer" with "Treasurer" and replacing "with the approval" with "by and with the consent"; and iii. In both the said §§ 62-1 and 62-2, capitalize the word "town" wherever it appears; 2. amending Chapter 78, entitled "Alcoholic Beverages", by deleting the first sentence thereof and replacing it with the following: "No person shall drink or possess an open or partially emptied container of any alcoholic beverages as defined in G.L. c. 138, § 1 while on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, or any park or playground, or any private land or place, without consent of the owner or person in control thereof."; and 3. amending Chapter 100, entitled "Cemeteries", by deleting the text of § 100-1 thereof, entitled "Funds for Forest Glade Cemetery", and replacing it with the following: "Funds, money, and securities deposited with the Treasurer in accordance with the provisions of G.L. c. 114, § 19, or otherwise, for the preservation, care, improvement, or embellishment of Forest Glade Cemetery, or of burial lots therein, shall be paid into the Town treasury, and all such funds, money, and securities, and the accounts thereof, shall be kept separate from other funds, money, securities, and accounts of the Town."; and c. by making the following changes to conform with current practice, applicable law and contemporary usage: 1. amending Chapter 17, entitled "Counsel", as follows: i. deleting the text of § 17.1, entitled "Appointment; term", and replacing it with the following: "The Board of Selectmen shall appoint an attorney at law to act as Town Counsel pursuant to § 5-4 of the Charter."; ii. deleting § 17.2, entitled "Duties and responsibilities", and replacing it with the following: § 17-2. Delegation of duties; scope of representation. "The Town Counsel may delegate to others his duties described in § 5-4 of the Charter (e.g., bond counsel, insurance defense counsel, collective bargaining counsel, etc.) with the approval of the Board of Selectmen. In the event that multiple boards or officers of the Town have inconsistent positions on legal issues, the Town Counsel shall proceed as instructed by the Board of Selectmen, which alone has the right to direct litigation by or on behalf of the Town. The Town Counsel shall represent and advise the School Department and the Wakefield Municipal Gas and Light Department to the extent and on the terms approved by the Board of Selectmen." 2. amending Chapter 21, entitled "Departments", by deleting the text of § 21-1, entitled "Disposition", and replacing it with the following: "Subject to G.L. c. 30B and all other applicable state laws and any applicable provisions of the Charter, every board or officer in charge of any department within the jurisdiction of the Board of Selectmen may, with the approval of the Selectmen, sell or trade in any personal property or material not required by such department, and the School Department and Library may do the same with the approval of the School Committee and Board of Library Trustees, respectively." 3. amending Chapter 36, entitled "Meetings", as follows: i. deleting the text of § 36-1, entitled "Annual Town Meeting", and replacing it with the following: "The annual Town election shall be held on the last Tuesday of April in each year. All matters to be considered at the Annual Town Meeting, other than the election of Town officers and such matters as are by law to be determined by ballot, shall be brought before the Town at a meeting to be held on the evening of the first Monday following the Town election."; ii. in § 36-2, entitled "Notice", inserting after "an Annual Town Meeting" the words "or an Annual Financial Meeting as defined in § 2-9(a) of the Charter"; iii. deleting the text of § 36-9, entitled "Time limit for debate", and replacing it with the following: "On motions to adjourn, to lay on the table, to take from the table and for the previous question, no person shall speak on the motion more than two (2) minutes at a time."; iv. in § 36-10, entitled "Form and adoption of questions", by adding the following after "Shall the main question

be now put?"; "or 'I move the question,'" in § 36-14, entitled "Action on committee reports", by adding the word "final" before the word "report"; vi. deleting the text of § 36-15, entitled "Reconsideration", and replacing it with the following: "If at a meeting of one or more sessions a motion has once been made and voted on, such motion shall not be again considered at that meeting, except at a later session of the meeting upon a motion for reconsideration by a two-thirds vote, subject in all events to the provisions of § 2-9(g)(1) of the Charter concerning written notice to be filed with the Town Clerk. There can be no reconsideration of a vote at any session of a meeting once the vote has been reconsidered or after a vote not to reconsider it."; vii. deleting the text of § 36-16, entitled "Rules of practice", and replacing it with the following: "The conduct of all Town Meetings not prescribed by law, by the Charter, or by the rules set forth in this Chapter shall be governed by the latest edition of Robert's Rules of Order, so far as they are adapted to Town Meetings, and the latest edition of Town Meeting Time shall be used as an interpretive guide."; and viii. deleting the text and title of § 36-17, entitled "Motion to reconsider", and replacing it with the title "Intentionally left blank."; 4. amending Chapter 142, entitled "License and Permits", by deleting the words "shall annually" from § 142-1, entitled "List to be provided", and replacing them with the words "may periodically", or to see what the Town will do about it.

#### **By-Law Review Committee**

**ARTICLE 22.** To see if the Town will vote to amend the General Bylaws as follows: a. by amending Chapter 1, entitled "General Provisions", as follows: 1. adding at the end of § 1-3, entitled "Record of bylaws", the following: "The Town Clerk shall cause a true copy of the General Bylaws and the Zoning Bylaws of the Town to be available online."; 2. adding at the end of § 1-5, entitled "Word usage", the following: "G. Wherever in these bylaws written notice is required, unless some specific form thereof is called for (such as by certified mail or hand delivery), electronic notice will suffice if acknowledged by the recipient."; 3. deleting the text of § 1-6, entitled "Violations and penalties", and replacing it with the following: "Whoever violates any of the provisions of these bylaws whereby any act or thing is enjoined or prohibited shall, unless other provision is expressly made, forfeit and pay to the Town a fine in the amount of \$100 for the first offense, \$200 for the second offense occurring within one year of the first offense, and \$300 for each offense occurring thereafter within one year of the first offense. Each day, or portion thereof, that any violation continues shall constitute a separate offense."; 4. combining the text of subsections A and B of § 1-7, entitled "Noncriminal disposition", into a single subsection A, re-lettering subsection C as subsection B, and deleting the final subsection; 5. deleting the text of § 1-8, entitled "Refusal to comply with order", and replacing it with the following: "Whoever shall refuse or neglect to obey any lawful order of any town officer or board of town officers, issued under any of these bylaws, directed to him and properly served upon him in writing, shall, in cases not otherwise provided for, forfeit and pay to the Town a fine in the amount of \$100 for the first offense, \$200 for the second offense occurring within one year of the first offense, and \$300 for each offense occurring thereafter within one year of the first offense. Each day, or portion thereof, that any violation continues shall constitute a separate offense."; and 6. replacing the word "bylaw" with the words "bylaw or regulation" in § 1-10, entitled "Disposition of fines and penalties"; b. by amending Chapter 51, entitled "Reports", as follows: 1. deleting the text of § 51-1, entitled "Deadline for Inclusion in Annual Report", and replacing it with the following: "Reports of officers, boards, committees and commissions intended for publication in the Annual Town Report shall be delivered to the Town Administrator or his or her designee not later than March 15 of each year."; 2. deleting "fourteen (14)" from § 51-2, entitled "Publication of Annual Town Report", and replacing it with "seven (7)"; and 3. in § 51-3, entitled "Purpose and contents of Annual Town Report", by deleting the reference to "Disability Commission", replacing the words "Town Treasurer" with "Treasurer", and inserting under the heading "Health and Welfare", the following: "Commission on Disability Issues" "Veterans' Services" "Human Rights Commission"; c. by amending Chapter 75, entitled "Alarms", as follows: 1. in § 75-2, entitled "Definitions", adding the following as the first definition: "ADMINISTRATORS – The Chief of Police or his/her designee and the Chief of the Fire Department or his/her designee shall be the administrators for alarm devices within the Town and shall have the powers granted to the administrators under this chapter. The administrators shall act under the direction and control of the Board of Selectmen, who are authorized to adopt regulations for the administration of this chapter."; 2. deleting § 75-3, entitled "Administrators", and replacing it with: "§ 75-3. Reserved."; 3. in § 75-10, entitled "False alarm charges", replacing "Town's fiscal year" in the two places the phrase occurs with "calendar year"; 4. deleting § 75-13, entitled "Appeal fees", and replacing it with: "§ 75-13. Reserved."; and 5. in § 75-14, entitled "Charges and fees paid into general fund", deleting the words "and appeal fees"; d. by amending Chapter 108, entitled "Earth Removal", as follows: 1. in § 108-1, entitled "Permit required; exceptions; conditions", in subsection A replacing the words "Board of Appeals" with "Zoning Board of Appeals (hereinafter, the 'Board')", and in subsection C replacing the words "Board of Appeals" with the word "Board"; 2. in § 108-2, entitled "Removal of soil or loam", deleting the words "soil district supervisor and the County Extension Director or agent, or their successors," and replacing them with "state officials"; and 3. in § 108-4, entitled "Violations and penalties", deleting the text and replacing it with the following: "The violation of any provision of this Article is punishable by a fine of \$100 for the first violation, \$200 for the second, and \$300 per violation for a third or subsequent violation. Each calendar day that a violation continues shall constitute a separate violation. This Article shall be enforced by the Building Inspector, and in his or her discretion may be made the subject of non-criminal disposition proceedings commenced pursuant to G.L. c. 40, § 21D."; e. by amending Chapter 112, entitled "E-911 Telephone System", as follows: 1. in § 112-3, entitled "Definitions", adding the following as the first definition: "ADMINISTRATOR – The Chief of Police or his/her designee shall be the administrator for the enhanced (E-911) telephone system within the Town and shall have the powers granted to the administrator under this chapter. The administrator shall act under the direction and control of the Board of Selectmen, who are authorized to adopt regulations for the administration of this chapter."; 2. in § 112-4, entitled "Charges for false calls", deleting the following: " , who shall be the Police Chief or his designee."; 3. deleting § 112-7, entitled "Appeal fees," and replacing it with: "§ 112-7. Reserved."; and 4. in § 112-8, entitled "Charges and fines paid into general fund", deleting the words "and appeal fees"; f. by amending Chapter 119, entitled "Fees," as follows: 1. in § 119-2, entitled "Other boards and agencies", by: i. deleting the text under the heading "A. Sealer of Weights and Measures", and replacing it with the following: "(1) Liquid capacity measure of capacity of more than one gallon and measures on pumps: \$40 each "(2) All other weights and measures: \$25 each." And ii. deleting the text under the

heating "B. Other fees", and replacing it with the following: "(1) License for automatic amusement devices: \$100 "(2) License for innholders and restaurants: \$50 "(3) License for fortune-tellers: \$50 "(4) Transient vendor license: \$50 plus \$25 per "employee "(5) Common victualer license: \$25 "(6) Innholder license: \$50 "(7) Video machine license: \$100" and (8) Entertainment license: \$50 per device". 2. by deleting the text of § 119-3, entitled "Building permit fee schedule", and replacing it with the fee schedule that is on file with the Town Clerk; and 3. by deleting subsections "B" and "Q" of § 119-4, entitled "Miscellaneous fees", and replacing them with the following: "B. Oil burner: \$50", and "Q. Fire Dept. inspection fee for residential plan review: \$50"; and g. by amending Chapter 138, entitled "Lake Quannapowitt", as follows: 1. by adding the words "or having an electric motor of equivalent or greater power" after the words "ten (10) horsepower" in § 138-2, entitled "Regulations for power-driven craft"; 2. in § 138-4, entitled "Waterskiing and related activities", by replacing the reference to "§ 184-3" with "§ 138-3"; and 3. by deleting from § 138-5, entitled "Aircraft", the words "Board of Public Works" and replacing them with "Board of Selectmen", or to see what the Town will do about it.

#### **By-Law Review Committee**

**ARTICLE 23.** To see if the Town will vote to amend Chapter 9 of the General Bylaws, entitled "Boards, Committees and Commissions," as follows: a. in Article III, § 9-3, replacing the words "Handicapped Commission" with the words "Commission on Disability Issues"; b. in Article IV, concerning the Finance Committee, replace § 9-4, entitled "Membership; appointment; terms; officers; records" with the following: "There shall be a Finance Committee consisting of fifteen (15) members who shall be appointed in the manner prescribed by § 2-5(b) of the Charter."; c. in Article IV, concerning the Finance Committee, revise § 9-6, entitled "Vacancies," by replacing the word "Moderator" with the following: "Finance Committee Selection Committee, as set forth in § 2-5(b) of the Charter, excepting only that in such case such committee shall consist of the Moderator, the Chairman of the Board of Selectmen and the Chairman of the Finance Committee"; d. in Article V, concerning the Permanent Building Committee, replacing the text of § 9-8, entitled "Membership; appointment; term; officers; records," with the following: "There shall be a Permanent Building Committee consisting of six members who shall be residents of the Town, and who shall be appointed by the Board of Selectmen for a term of three years each. The terms of such members shall be staggered so that two members shall be appointed each year. In any year when, because of the transition from nine to six members, three members' terms expire, the Selectmen shall nonetheless elect or re-elect only two members. To the extent possible, the Selectmen shall appoint members who have experience in architecture, engineering, public/commercial building construction, law and/or finance. The Permanent Building Committee shall, at its first meeting each year after the Selectmen have exercised their power of appointment, organize by electing a Chair, who shall conduct the meetings of the said Committee, and a Secretary, who shall cause the minutes of such meetings to be kept. Terms shall expire on December 31 of each year. A member may hold his or her seat after his or her term expires until a successor is appointed. If a member vacates his or her seat before the expiration of his or her term, the Selectmen shall appoint a replacement to complete the unexpired term." e. in Article V, replace § 9-10, entitled "Advisory Committee," with the following:

"Section 9-10. Expansion of Committee for each project; advisory committees. "Whenever Town Meeting approves a project that is subject to the jurisdiction of the Permanent Building Committee, the said committee shall be expanded solely for the purpose of addressing that project by the appointment of three additional members. Such additional members shall be appointed by vote of the relevant User Agency, which term shall mean an elected or appointed board, committee or commission, including the Board of Selectmen, School Committee, Library Trustees and Municipal Gas & Light Department, having responsibility for the building in question, provided that in the case of any school project, the additional members shall include at least one member of the School Committee or its designee. The term of office of the said additional members shall be until the earlier of the expiration of three years or the acceptance by Town Meeting of the final report of the Permanent Building Committee (as so expanded) with respect to the completion of the said project. In the event of a vacancy among such additional members, the relevant User Agency shall vote to fill the position for the unexpired term. If the term of office of such additional members shall expire prior to the acceptance of the said final report, then their successors shall be appointed, or they shall be re-appointed, by vote of the relevant User Agency, each until the earlier of the expiration of three years or the acceptance by Town Meeting of the report of the Permanent Building Committee (as so expanded). Additionally, when authorized by Town Meeting, a building or project advisory committee consisting of one or more members designated by the Town Moderator shall be appointed for the purpose of advising the Permanent Building Committee with assessments, feasibility studies and development of program needs for one or more specific projects. Such advisory committee shall invite to its meetings representatives of the Board of Health, the Commission on Disability Issues and the User Agency." f. in Article V, § 9-17, entitled "Consideration of applicants," add the following as the final sentence: "Vacancies on all appointed boards shall be filled as soon as practicable."; and g. adopt the following as §§ 9-19 through 9-27: "Article VIII. Governance of Multiple Member Bodies "Section 9-19. Scope. "Any multiple member body of the Town of Wakefield, however constituted and named, shall be covered by this article. This includes, but is not limited to boards, committees, commissions, subcommittees, councils and advisory boards, whether elected, appointed, or otherwise has members and serves a public purpose. A public body appointed by a Town officer solely for the purpose of advising the same officer shall be exempt from this article. Town Meeting is exempt from this article. "Section 9-20. Rules of Order. "For all multiple member bodies, unless required by a General Law, Charter, other Bylaws or otherwise, meetings shall be conducted using the most recent revision of Roberts Rules of Order. "Section 9-21. Assignment of Chair. "Except where designated by General Law, Charter, or other Bylaws, each multiple member body shall elect from its membership a Chair at the first meeting after it is created. For standing multiple member bodies or those that exist for more than one calendar year, a Chair shall be elected at the first meeting following the regular elections for Town officers according to the Wakefield Home Rule Charter, Section 3-1(c). At the request of any two members of a multiple member body, an election for chair may also be taken at any meeting provided the intention to request the vote is announced at a duly called meeting at least 14 calendar days in advance of such meeting. Whenever a Chair is newly elected, the Town Administrator and Town Clerk shall be notified in writing within seven (7) days by the newly elected Chair. "Section 9-22. Quorum. "Except where designated by General Law, Charter, or other Bylaws, all multiple member bodies shall have a quorum

using the following formula: "a. For elected multiple member bodies: Greater than one-half of the total number of elected positions. "b. For appointed multiple member bodies: Greater than one-half of the total number of appointed members who have been appointed and taken the oath to serve. "Section 9-23. Location and Posting of Meetings. "All meetings shall be posted in accordance with G.L. Chapter 30A, s. 18-25 (the Open Meeting Law) and all meetings shall take place at a location accessible by all members of the public. For buildings that have secured entryways requiring specific access, clear written instructions must be posted on the door and any member of the public shall be given entrance to the meeting without delay of more than one (1) minute. For meetings at buildings with more than one public entrance or known by more than one name, the entrance to be used by the public shall be clearly listed on the meeting posting. The Chair is responsible for directly notifying all members of the date and time of each meeting. "Section 9-24. Minutes of Meetings. "All meetings shall have minutes recorded in accordance with the Open Meeting Law. A copy of the minutes shall be sent to the Town Clerk by the Chair of the multiple member body not later than seven (7) days after approval of the minutes by the multiple member body, provided that in the absence of any approval, a draft copy will be sent sixty (60) days after the meeting to which the draft minutes relate. If a draft copy is sent to the Town Clerk and is later approved and/or amended, a copy of the approved and/or amended minutes will be sent to the Town Clerk by the Chair within seven (7) days of approval and/or amendment. The executive session minutes shall be sent to the Town Clerk when the authorized executive session purpose expires. At least once per calendar year, every multiple member body with executive session minutes that have not been fully released shall review all executive session minutes not sent to the Town Clerk to determine if the executive session purpose has expired. If a multiple member body has a website, all minutes and draft minutes required to be sent to the Town Clerk shall at the same time be posted to that website, provided that nothing herein shall require any multiple member body to create a website. "Section 9-25. Attendance Requirement and Abandonment. "Members need to attend meetings to be an integral part of the deliberation toward decision-making in the best interests of the Town. Members of appointed multiple member bodies who are absent from 5 consecutive, properly posted, duly called meetings with a quorum of members otherwise present shall be considered to have willingly abandoned their position and the position will be vacant until filled by the appointing authority. Members who participate in a meeting remotely, such as by telephone and/or internet, pursuant to G.L. c. 30A, § 20 (d) or 20 (e), will not be considered absent for the purpose of this Section. If remote participation is not legally available for any reason, a member who nonetheless uses a telephone, the internet or other means to hear and be heard at a meeting shall not be considered absent for the purpose of this Section. Members of the Zoning Board of Appeals and Conservation Commission, as they are adjudicative bodies, who are absent for 5 or more meetings over the course of any 12 consecutive months may be removed by the Selectmen for cause. "Section 9-26. Creation of Appointed Public Bodies. "With respect to each multiple member body, there shall be a list of designated powers and duties. For appointed multiple member bodies, this shall be created by the appointing authority(ies) and include: "a) the intended purpose, powers, and duties of the body, "b) the term of membership for each member, and "c) how successor members shall be appointed. "A copy of the purpose, powers, duties, and membership list shall be provided to each member upon his or her appointment. Appointing authorities will have one year from the date of adoption of this Section to create a document specifying the intended purpose, powers, and duties, term of membership for each member, and how successor members shall be appointed for any multiple member body where no such document currently exists. For multiple member bodies created explicitly by Town Charter, Town Meeting, or bylaw, the multiple member body shall create a document specifying its intended purpose, powers, duties, term of membership, and how members are appointed to the body. A copy of this document shall be provided to the Town Administrator and Town Clerk within sixty (60) days of the first posted meeting of the members. "Section 9-27. Public Hearings. "In public hearings, any member of the public wishing to address a multiple member body shall be permitted to do so only with permission of the Chair. The Chair shall permit any resident to address a multiple member body for at least five (5) minutes on the topic of the public hearing. If multiple hearings are held simultaneously on substantively different topics, a speaker shall be permitted to address the public body for at least five (5) minutes on each substantively different topic. The Chair may require speakers to provide their names and addresses. Attendees at a public hearing shall not interrupt any speaker or otherwise intentionally be disruptive to the multiple member body. After clear warning, the Chair has the right to have disruptive attendees removed and further barred from the public hearing. No public hearing shall be opened and closed on any single recognized religious holiday that causes a conflict for a member of the multiple member body or where the public body is notified a conflict exists, due to the religious holiday, for any member of the public who wishes to attend or address the public body.", or to see what the Town will do about it

#### **By-Law Review Committee**

**ARTICLE 24.** To see if the Town will vote to amend Chapter 104 of the General Bylaws, entitled "Dogs and Other Animals," as follows: a. by replacing the words "Canine Control Officer," wherever they appear, with the words "Animal Control Officer"; b. by adding, after the words "owner or keeper" in both sentences of § 104-1, the words "or in a public area specifically designated by the Board of Selectmen as a 'dog park'"; c. by replacing "\$5" with "\$25" and "\$65" with "\$265" in § 104-5, increasing the daily charge for boarding a dog and the maximum charge, respectively; d. by deleting the first sentence of § 104-6 and replacing it with: "Any person violating any provision of this chapter shall be punished by a fine of \$50 for the first offense, \$200 for a second offense and \$300 for each succeeding offense." e. by deleting the words "or Humane Officer" both times they appear in § 104-10; f. by adding, before the words "habitually attacking" in § 104-12, the words "biting or"; g. by replacing the reference to "MGL c. 140, § 147A" in § 104-13 with a reference to "G.L. c. 140, § 147;" h. by deleting the text of § 104-16 and replacing it with the following: "Terms used in this chapter shall have the same meanings given them by G.L.c. 140, § 136A."; and by deleting § 104-17, or to see what the Town will do about it.

#### **By-Law Review Committee**

**ARTICLE 25.** To see if the Town will vote to amend Chapter 175 of the General Bylaws, entitled "Streets and Sidewalks," by revising Article III thereof, entitled "Snow and Ice," as follows: a. by deleting § 175-8, entitled "Responsibility of owner or tenant; violations and penalties," and replacing it with the following: "§ 175-8. Responsibility of owner; violations and penalties. "a. Purpose. As pedestrians are safer when walking on sidewalks than when walking in the streets used by vehicular

traffic, the purpose of this Section is to cause owners of commercial and multi-family real property to remove the snow, slush and ice from sidewalks abutting their land so that such sidewalks are reasonably accessible by all persons, including elderly persons, persons using mobility devices, persons using carriages to transport children, and students walking to school. "b. Commercial Property. Any owner of real property used wholly or in part for stores, offices, or other commercial spaces open to the public and abutting upon or contiguous to a sidewalk of a street, shall cause such portion of the sidewalk to be maintained in a non-slippery condition suitable for pedestrian travel by clearing it of all snow, ice and slush within twelve hours after the cessation of precipitation and shall maintain said portion of sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary. "c. Multi-Family Dwellings. The owner of any building designed or occupied as a residence by more than four families or which contains more than four dwelling units, as defined in the Zoning By-law, and abutting upon or contiguous to a sidewalk of a street, shall cause said sidewalk to be maintained in a non-slippery condition suitable for pedestrian travel by clearing it of all snow, ice and slush within twelve hours after the cessation of precipitation and shall maintain said portion of sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary. "d. Extent of Clearing. Snow, slush and ice shall be removed from the sidewalk in such a way as to create a clear corridor at least thirty-six (36) inches in width along the length of said sidewalk abutting such owner's real property or, if the sidewalk is narrower, over the full width of the sidewalk. This duty includes all ramps, regular access points to the street, and marked entries to the street where a crosswalk exists. "e. Penalties. The violation of any provision of this Section is punishable by a fine of \$200 per violation. Each calendar day that a violation continues shall constitute a separate violation. "f. Enforcement. Enforcement of this Section shall, in the discretion of the enforcing official, be made the subject of non-criminal disposition proceedings commenced by the police per G.L. c. 40, §21D. This Section may be enforced by either (i) the Director of Public Works or his/her designee, or (ii) the Police Department. If the Town shall have adopted G.L. c. 40U, then any person who receives a notice of violation of this § 175-8 may appeal to the Municipal Hearing Officer, as that term is used in G.L. c. 40U. The Municipal Hearing Officer shall be appointed by the Board of Selectmen.", and

b. by deleting the second sentence of § 175-9, entitled "Deposit on public ways," and replacing it with the following: "The violation of any provision of this Section is punishable by a fine of \$300 per violation.", or to see what the Town will do about it.

**By-Law Review Committee**

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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 ninth day of April, two thousand and eighteen.

Paul R. DiNocco, Chair  
Peter J. May, Vice Chair  
Mehreen N. Butt  
Edward J. Dombroski, Jr.  
Brian E. Falvey  
Anthony Longo  
Ann McGonigle Santos

**WAKEFIELD BOARD OF SELECTMEN**

**A true copy attest:**  
Kevin Lopes  
Constable

4-12,19-2018 WDI