

Special Town Meeting

WARRANT



Town of Hudson
Monday, November 18, 2024
Finance Committee
Report and Recommendations

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Finance Committee

To the residents of the Town of Hudson:

Per the authority vested in the Finance Committee according to M.G.L. chapter 39, section 16, the Town of Hudson Municipal Charter, and the Town of Hudson General Bylaws, the Committee makes the following report for the Articles included in the Town of Hudson, November 18, 2024, Special Town Meeting Warrant based upon consideration of the Articles at public hearings with the sponsors and/or petitioners.

Article 1 – FY2025 Budget Adjustments

This article gives the Town the ability to make adjustments to the current year operating budget as further budget information is available from the state and other sources.

Hudson's FY2025 assessment from the Assabet Valley Regional Technical High School has been increased by \$1,049 due to changes made in the final FY2025 State Budget relative to the required minimum local contribution for the member communities. This amount will be transferred from the Town's FY2025 Health Insurance Appropriation to the FY2025 Assabet Valley Regional Technical High School assessment to resolve the deficit.

Article 2 – Prior Year Bills

Massachusetts G.L., Chapter 44, Section 64, requires that a bill of prior year, that is, an invoice received after the Town closes its books for the fiscal year, must be presented to Town Meeting for authorization to pay with current year funds. Bills totaling \$2,894.75 were submitted after the FY24 close. The bills will be paid by appropriating current year funds from the respective departments. A 9/10ths vote is required for passage.

Article 3 – Transfer to Stabilization Fund

This article authorizes the transfer of a sum of money to the Town's Stabilization Fund. Town Meeting may, by a majority vote, transfer funds into this account and may by a two-thirds vote, appropriate funds out for any lawful purpose.

Article 4 – Amend Sewer Enterprise Fund Budget

This article amends the Sewer Enterprise Budget that was approved at the Annual Town Meeting. Subsequent to that meeting a decision was made to contract for plant operations rather than staff internally. Contract expenditures are expenses. This article shifts the budget funding from salaries to expenses. No change in costs.

Article 5 – Wastewater Pump Station Upgrades – Borrowing

Based on the recommendations of the 2017 Wastewater Pumping Station Asset Management Plan and operator experiences, the Town has prioritized Farina, Johnson, Avon, Central, and Municipal Drive Pump Stations for immediate improvements. The town has 15 pump stations. This project has been submitted to the state for approval for financing through the SRF (State Revolving Fund). Debt service will be funded through the Sewer Enterprise Fund. The sum to be borrowed is \$6,716,000.

Article 6 – Transfer of Funds: School Department

The funding source comes from balances remaining in the Farley, Forest Ave, and Hubert Fire Alarm accounts from projects funded from Free Cash in 2016 – 2020. Town Meeting must authorize using these funds for a different purpose.

Article 7 – Transfer of Funds: School Department

The funding sources are balances remaining from Admin Chimney, Farley, Hubert repairs funded from Free Cash in 2017 - 2020 and funds, as needed, from the Facilities Rental Revolving Account which is used for building maintenance. Costs are estimated pending bids.

Article 8 – Authorize Select Board to Pursue Additional Wine & Malt Beverage Package Store Alcohol License for Hudson Hives at 45 Main Street

This Article authorizes a Home Rule Petition for an off premises beer and wine license. The beer and wine license quota is 1 per 5,000 population. Hudson has used the full quota. Beer and wine licenses are location specific.

Article 9 – Amend Protective Zoning By-Laws

The Town of Hudson adopted an ADU zoning by-law in 2007, which allows for attached and detached Accessory Dwelling Units (ADU) less than 900 square feet in single family zoning districts via Special Permit of the Zoning Board of Appeals.

The State's Affordable Homes Act, which takes effect 2/2/2025 requires municipalities to allow ADUs by-right in any single-family zoning district, and prohibits a municipality from requiring a discretionary zoning approval (special permit) for an ADU. The purpose of this Zoning Article is to bring the Town into compliance with the new provisions in State Statute.

Article 10 – Amend Protective Zoning By-Laws

This Article makes corrections to the Town's Zoning Map. This Article does change any zoning.

Article 11 – Amend Protective Zoning By-Laws

This Article corrects a number of scrivener's errors. This Article does not change any zoning.

Article 12 –Petitioned Article – Amend General Bylaws – Polystyrene Reduction Bylaw

The petitioner is withdrawing this Article.

The Finance Committee:

Sam Calandra, Chairman

Eugenia Vineyard, Vice Chair

Claudinor Salomão, Guy Beaudette, Jillian Jagling, Robert Clark, Steve Forti, Joseph McNealy

TOWN WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss.

To any of the constables of the Town of Hudson in the County of Middlesex,
Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to
notify and warn the inhabitants of the Town of Hudson, qualified to vote in elections and on
Town affairs, to assemble in the Hudson High School, 69 Brigham Street, in said Town on

MONDAY, THE EIGHTEENTH DAY OF

NOVEMBER, 2024

at 7:30 o'clock in the evening. Then and there to act on the following articles to wit:

ARTICLE 1 FY2025 Budget Adjustments

To see if the Town will vote to amend the votes taken under Article 3 of the 2024 Annual Town Meeting (May 6, 2024), appropriations and transfers under the Omnibus Budget Article, to raise and appropriate, and/or to transfer from available funds in the Treasury to supplement appropriations under the Omnibus Budget Article; or take any other action relative thereto.

Executive Assistant
Finance Director
Select Board

Article 1: The Finance Committee has deferred action on this article and will present its recommendation at Town meeting.

ARTICLE 2 Prior Year Bills

To see if the Town will vote to appropriate the sum of \$2,894.75 for the purpose of paying prior year bills for costs incurred in previous fiscal years per General Laws, Chapter 44, Section 64; or take any other action relative thereto.

Executive Assistant
Finance Director
Select Board

Article 2: The Finance Committee voted 8-0-0 to recommend the subject matter of this article.

ARTICLE 3 Transfer To Stabilization Fund

To see if the Town will raise and appropriate and/or transfer from available funds in the Treasury a sum of money to the Stabilization Fund; or take any other action relative thereto.

Executive Assistant
Finance Director
Select Board

Article 3: The Finance Committee has deferred action on this article and will present its recommendation at Town meeting.

ARTICLE 4 Amend Sewer Enterprise Fund Budget

To see if the Town will vote to amend the votes taken pursuant to Article 10 of the Annual Town Meeting (May 6, 2024), Sewer Enterprise Fund, and to appropriate or transfer from available funds a sum of money to supplement the Sewer Enterprise Article's Annual Town Meeting budget appropriations; or take any other action relative thereto.

Executive Assistant
Finance Director
Select Board

Article 4: The Finance Committee has deferred action on this article and will present its recommendation at Town meeting.

ARTICLE 5 Wastewater Pump Station Upgrades - Borrowing

To See if the Town will vote to borrow pursuant to General Laws, Chapter 44, Section 7, clauses (1) and (7), as amended, or any other enabling authority, the sum of \$6,716,000, or any other sum, for the purpose of engineering services, replacement, rehabilitation, and installation of various equipment and facility upgrades within the wastewater pump stations, and to authorize the Treasurer, with approval of the Select Board, to issue any bonds or notes approved by this vote, or take any other action relative thereto.

Executive Assistant
Director of Public Works
Finance Director
Select Board

Article 5: The Finance Committee voted 7-0-1 to recommend the subject matter of this article.

ARTICLE 6 Transfer of Funds: School Department

To see if the Town will vote to appropriate the sum of \$64,162 for the purchase and installation of a new intercom system at the Farley Elementary School, and to meet said appropriation by transferring said sum from the following capital accounts:

Original Appropriation	Appropriation Date	Authorized Amount	Current Balance
Farley Fire Alarm	5/7/2018	\$35,000	\$35,000
Farley Fire Alarm	5/1/2017	\$80,000	\$16,900
Forest Fire Alarm	5/2/2016	\$80,000	\$6,840
Hubert Fire Alarm	5/4/2020	\$42,000	\$5,422
TOTAL			\$64,162

or take any other action relative thereto.

Superintendent of Schools
Finance Director
Executive Assistant

Article 6: The Finance Committee voted 7-1-0 to recommend the subject matter of this article.

ARTICLE 7 Transfer of Funds: School Department

To see if the Town will vote to appropriate the sum of \$56,381 for the design, engineering, and construction of a new boiler at the Quinn Middle School, and to meet said appropriation by transferring said sum from the following capital accounts:

Original Appropriation	Appropriation Date	Authorized Amount	Current Balance
Admin Chimney	5/1/2017	\$101,000	\$7,810
Farley Ext Repairs	5/2/2020	\$65,000	\$36,646
Hubert LED Lights	5/4/2020	\$20,000	\$11,925
TOTAL			\$56,381

or take any other action relative thereto.

Superintendent of Schools
Finance Director
Executive Assistant

Article 7: The Finance Committee voted 8-0-0 to recommend the subject matter of this article.

ARTICLE 8 Authorize Select Board to Pursue Additional Wine & Malt Beverage Package Store Alcohol License for Hudson Hives at 45 Main Street

To see if the Town will vote to authorize the Select Board to petition the General Court to adopt legislation allowing for the Town to grant one (1) additional license for the sale of wine and malt beverages to be consumed off-premises to Hudson Hives, located at 45 Main Street, Suite 203, Hudson, MA; The General Court, with the approval of the Hudson Select Board, is authorized to make constructive changes to the language of this Home Rule petition that would accomplish the general public objectives of this petition; or take any other action relative thereto.

Executive Assistant
Select Board

Article 8: The Finance Committee voted 8-0-0 to recommend the subject matter of this article.

ARTICLE 9 Amend Protective Zoning By-Laws:

To see if the Town will vote to amend the Town's Protective Zoning By-law by taking the following steps:

Amend the following within Section 5.2.6 Accessory Dwelling Units:

- 1) Strike the language within Section 5.2.6.2 (6) in its entirety
- 2) Strike the language within Section 5.2.6.2 (7) in its entirety
- 3) Strike the language within Section 5.2.6.3 (1) in its entirety and replace with the following language: **A Building Permit application for an Accessory Dwelling Unit shall be filed with the Building Commissioner.**
- 4) Strike the language within Section 5.2.6.3 (2) and replace with the following language: **The Accessory Dwelling Unit shall comply with dimensional standards in Section 7.3 and Section 7.2.1.3 and relief from thereof shall not be granted except as noted in Section 5.2.6.4 (1)**
- 5) Strike the language within Section 5.2.6.4. 1. and replace with the following language:

The Building Commissioner shall issue a Building Permit authorizing the installation and use of an accessory dwelling unit in a single-family home or lot provided the following conditions are met.

- 6) Strike the language within Section 5.2.6.4. 1. (a) and replace with the following language: ***The accessory dwelling may be located in the single-family dwelling.***
- 7) Strike the language within Section 5.2.6.4. 1. (b) and replace with the following language: ***The single-family dwelling may be altered to include an accessory dwelling unit.***
- 8) Strike the language within Section 5.2.6.4. 1. (c) and replace with the following language: ***The accessory dwelling unit shall consist of a complete, separate housekeeping unit containing both kitchen and bath.***
- 9) Strike the language within Section 5.2.6.4. 1. (d) in its entirety and replace with the following language: ***Pursuant to MGL Chapter 40A Section 3A, more than one accessory dwelling unit within a single-family home or house lot shall require a Special Permit from the Zoning Board of Appeals pursuant to MGL Chapter 40A Section 9 and Section 9.2 of the Hudson Zoning By-laws.***
- 10) Strike the language within Section 5.2.6.4. 1. (e) in its entirety.
- 11) Strike the language within Section 5.2.6.4. 1. (g) in its entirety and replace with the following language: ***The habitable area of the accessory dwelling shall not exceed ½ the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.***
- 12) Strike the language within Section 5.2.6.4. 1. (h) and replace with the following language: ***An accessory dwelling unit may not have more than two bedrooms.***
- 13) Strike the word **two** and replace with the word **one** in the first sentence of Section 5.2.6.4 1. (j)
- 14) Add a new Section 5.2.6.4.1. (l) with the following language: ***The use of the accessory dwelling unit for short-term rentals, as defined in MGL Chapter 64G Section 1, shall be prohibited.***
- 15) Add the following language before the first sentence in Section 5.2.6.4. 2.: ***The accessory dwelling unit shall comply with the dimensional requirements pursuant to Section 7.3 and Section 7.2.1.3 of this By-law.***
- 16) Strike the language within Section 5.2.6.4. 3. in its entirety.
- 17) Strike the language within Section 5.2.6.4 4. in its entirety.
- 18) Strike the language within Section 5.2.6.4. 5. in its entirety.
- 19) Strike the words “special permit” and replace with the words “building permit” in Section 5.2.6.4.6.
- 20) Strike the language within Section 5.2.6.5 (5) in its entirety and replace with the following language: ***Construction or use according to the building permit shall conform to any subsequent amendments to these provisions, MGL Chapter 40A, and/or Massachusetts Building Code unless the construction or use is begun within a period of not more than six months after the issuance of the building permit before the effective date of the amendments. To qualify for the exemption, construction must be completed in a continuous and expeditious manner.***
- 21) Strike the word **ZBA** in the R60, R40, R30, and R15 single-family residential districts and replace with **Y** in the Table of Use Regulations for Accessory Dwelling Units

Or take any other action related thereto.

Planning Board

Article 9: The Finance Committee voted 6-1-1 to recommend the subject matter of this article.

ARTICLE 10 Amend Protective Zoning By-Laws:

To see if the Town will vote to amend the Town's Protective Zoning By-law by talking the following steps:

Update the current Official Zoning Map of the Town of Hudson, Massachusetts, dated November 2023:

- Reinsert three district boundaries – Southwesterly R15, West central NB, and Southcentral NB;
- Correct mislabeling of the Northeasterly portion of MH to MR, Central IA to NB, Central GB1 to NB, and portion;
- Update title to Official Zoning Map of the Town of Hudson, Massachusetts Dated November 2024.

Or take any other action relative thereto.

Planning Board

Article 10: The Finance Committee voted 6-1-1 to recommend the subject matter of this article.

Notes: This Article does not change or alter the existing Zoning District boundaries or use regulations.

ARTICLE 11 Amend Protective Zoning By-Laws:

To see if the Town will vote to amend the Town's Protective Zoning By-laws by talking the following steps:

1. Update the following section numbers:
 - a. Section 5.2 "Residential Districts" now **Section 5.4 "Residential Districts" including all subsections;**
 - b. Section 5.3 "Commercial Districts" now **Section 5.5 "Commercial Districts" including all subsections;**
 - c. Section 5.4 "DB Zoning District" now **Section 5.6 "DB Zoning District" including all subsections;**
 - d. Section 5.4 "Limited Commercial and Light Industrial District (LCLI)" now **Section 5.7 "Limited Commercial and Light Industrial District (LCLI)" including all subsections – with spelling correction of "District";**
 - e. Section 5.5 "Industrial Districts" now **Section 5.8 "Industrial Districts" including all subsections;**
 - f. Section 5.6 "Open Space Residential Development" now **Section 5.9 Open**

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- Space Residential Development” including all subsections;**
 - g. Section 6.2 “Floodplain/Wetland District” now **Section 6.1 “Floodplain/Wetland District” including all subsections;**
 - h. Section 6.3 “Retirement Community Overlay District” now **Section 6.2 “Retirement Community Overlay District” including all subsections;**
 - i. Section 6.4 “Wireless Community Facilities” now **Section 6.3 “Wireless Community Facilities” including all subsections;**
 - j. Section 6.5 “Adaptive Re-Use Overlay District” now **Section 6.4 “Adaptive Re-Use Overlay District” including all subsections;**
 - k. Section 6.6 “Temporary Moratorium on Medical Marijuana Treatment Centers and The Sale & Distribution of Drug Paraphernalia” now **Section 6.5 “Temporary Moratorium on Medical Marijuana Treatment Centers and The Sale & Distribution of Drug Paraphernalia” including all subsections;**
 - l. Section 6.7 “Medical Marijuana Treatment Centers Overlay District” now **Section 6.6 “Medical Marijuana Treatment Centers Overlay District” including all subsections;**
 - m. Section 6.8 “Recreational Marijuana Overlay District” now **Section 6.7 “Recreational Marijuana Overlay District” including all subsections;**
 - n. Section 6.9 “Marijuana Industrial Overlay District” now **Section 6.8 “Marijuana Industrial Overlay District” including all subsections;**
- 2. Update Section 5.2.1 with the November 2024 map date and replace Appendix A with the November 2024 map.
 - 3. Add Neighborhood Business District (“NB”) to “Table 1 - Intensity Schedule”.
 - 4. Correct scrivener’s errors and grammatical errors which are not substantive in nature and do not affect the content or intent of by-laws.

Or to take any other action relative thereto.

Planning Board

Article 11: The Finance Committee voted 6-1-1 to recommend the subject matter of this article.

Notes: This is a housekeeping action that simply reorganizes the location and rennumbers certain sections of the Hudson Protective Zoning By-laws as noted above.

ARTICLE 12 Petitioned Article – Amend General Bylaws – Polystyrene Reduction Bylaw

To see if the Town will vote to amend the General Bylaws by adding a new Chapter titled “Polystyrene Reduction Bylaw” to read as follows or take any other action relative thereto.

POLYSTYRENE REDUCTION BYLAW

Section I. Findings and Purpose

Disposable food service ware made of unencapsulated polystyrene foam, black solid polystyrene, and disposable plastic utensils have a negative impact on our environment and are a potential health hazard.

A component of polystyrene—styrene—has been classified as a “probable carcinogen.” Polystyrene, and especially polystyrene foam, enters the environment and harms wildlife who mistake it for food, ingest it, and die. The presence of polystyrene and disposable plastic utensils persists for hundreds of years, especially in the marine environment. These items break into smaller pieces and/or microplastics, absorb and concentrate environmental toxins, and can enter the food chain when consumed by fish, shellfish, and other organisms—thus potentially contaminating the human food supply. Microplastics have now been found in human blood, breast milk, testicles, hearts and brains among other organs, and early research has begun to link them to lower fertility rates, cardiovascular problems, and cognitive impairment.

Most polystyrene foam, solid black polystyrene and disposable plastic utensils are not biodegradable, compostable, or able to be recycled in the Town of Hudson.

Less toxic, more durable, reusable, recyclable, biodegradable, and/or compostable alternatives are readily available for many food service and other applications and are effective ways to reduce negative health and environmental impacts from the use of polystyrene and disposable plastic items. With the goal of protecting our citizens’ health and the unique natural beauty and resources of the Town of Hudson, and because inexpensive, safe alternatives to polystyrene and disposable plastic utensils are easily obtained, the Town will prohibit the use and distribution in the Town of Hudson of disposable food service ware made from unencapsulated foam polystyrene, solid black polystyrene, and disposable single use plastic utensils.

Section II. Definitions The following words shall have the following meanings for purpose of this Bylaw:

“Polystyrene” shall mean a synthetic polymer produced by polymerization of styrene monomer. Polystyrene includes both “Foam Polystyrene” and “Solid Polystyrene” as defined in this Bylaw. The International Resin Identification Code assigned to polystyrene materials is #5 and “6”. Polystyrene items may be identified by a “5 or 6” or “PS,” either alone or in combination with other letters. The regulations and prohibitions relating to polystyrene in this Bylaw are intended to apply regardless of the presence or absence of an International Resin Identification Code or other identifying marks on the item.

“Foam Polystyrene” (sometimes called “Styrofoam,” a Dow Chemical Co. trademark form of EPS insulation) shall mean polystyrene in the form of a foam or expanded material, processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

“Black Solid Polystyrene” shall mean polystyrene, produced in a rigid form with minimal incorporation of air or other gas and dyed with black carbon or other coloration. Solid polystyrene is also referred to as ‘rigid polystyrene.’

“Disposable Food Service Ware” shall mean a) products for heating, storing, packaging, serving, consuming, or transporting prepared or ready-to consume food or beverages including, but not limited to, bowls, plates, trays, cartons, cups, lids, hinged or lidded containers, knives, forks and spoons made from polystyrene that are primarily for single-use and are not meant to be adequately and repeatedly cleaned and sanitized for reuse. This includes any containers used by food establishments to heat, cook, or store food or beverages prior to serving, regardless of whether such containers are used to serve such food or beverages. b) disposable plastic utensils.

“Disposable plastic utensil” shall mean a drinking straw, stirrer, splash stick or chopstick that is made predominantly from synthetic polymers and is not a reusable utensil. A disposable

plastic utensil shall also include items made in whole or in part from synthetic polymers that are otherwise classified as 'compostable', 'biodegradable', 'oxo degradable', or 'marine degradable'.

"Reusable utensil" shall mean a spoon, fork, knife, chopsticks, or drinking straw that is manufactured from durable materials and is designed to be adequately and repeatedly cleaned and sanitized for reuse.

"Compostable" and "degradable" utensils shall include those not made from synthetic polymers, but solely from plant-based materials, such as wood, paper, or other plant products.

"Prepared Food" shall mean food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared (collectively "prepared") for individual customers or consumers. Prepared Food does not include raw eggs or raw, butchered meats, fish, seafood, and/or poultry.

"Food Establishment" shall mean any operation that serves, vends, or otherwise provides food or other products to third parties for consumption and/or use on or off the premises, whether or not a fee is charged, but not including the service of food within a home or other private setting. Any facility requiring a food permit in accordance with the Massachusetts State Food Code, 105 CMR 590.000, et seq. and/or regulations of the Hudson Board of Health shall be considered "food establishment" for purposes of this Bylaw.

"Retail Establishment" shall mean a store or premises engaged in the retail business of selling or providing merchandise, goods, groceries, prepared take-out food and beverages for consumption off-premises or the serving of an item, directly to customers at such store or premises, including, but not limited to, grocery stores, department stores, clothing stores, pharmacies, convenience stores, and seasonal and temporary businesses, including farmers markets and public markets; provided, however, that a "retail establishment" shall also include a food truck or other motor vehicle, mobile canteen, trailer, market pushcart or moveable roadside stand used by a person from which to engage in such business directly with customers and business establishments without a storefront, including, but not limited to, a business delivering prepared foods or other food items, web-based or catalog business or delivery services used by a retail establishment; provided further, that a "retail establishment" shall include a non-profit organization, charity or religious institution that has a retail establishment and holds itself out to the public as engaging in retail activities that are characteristic of similar type commercial retail businesses, whether or not for profit when engaging in such activity.

"Packing Material" shall mean material used to hold, cushion, or protect items packed in a container for shipping transport or storage.

"Health Agent" shall mean the Health Agent for the Hudson Board of Health or his/her designee.

Section III. Regulated Conduct

1. After June 1, 2025, Food Establishments in the Town of Hudson may not, a. use, sell, or otherwise distribute either disposable food service ware made from foam polystyrene or solid black polystyrene or disposable plastic utensils. b. provide a disposable non-plastic utensil to a customer, except upon that customer's specific request for such items or if the item is selected by a customer from a self-service dispenser. Bendable plastic straws are allowed for customers with a medical need.

2. After June 1, 2025, Retail Establishments in the Town of Hudson may not sell, offer for sale, or otherwise distribute: a. disposable food service ware made from foam polystyrene or black solid polystyrene. b. disposable plastic utensils unless equivalent non-plastic or

reusable utensils are available for sale and are clearly labeled such that any customer can easily distinguish among the single-use plastic, disposable non-plastic, and reusable items. c. meat trays, fish trays, seafood trays, vegetable trays, or egg cartons made in whole or in any part with foam polystyrene or solid black polystyrene. d. packing materials, including packing peanuts.

3. For purposes of Section 3(2)(d), "distributing packing material" does not include: a. Reusing packing materials for shipping, transport, or storage within the same business or distribution system as long as those packing materials are not then sent to a customer or end user. b. Receiving shipments within the Town of Hudson that include polystyrene foam used as a packing material, provided that the goods were not packaged or repackaged within Hudson.

Section IV. Exemption

1. Nothing in this Bylaw shall prohibit individuals from using disposable food service ware made of polystyrene that has been purchased outside the Town of Hudson for personal use.

2. Nothing in this Bylaw shall prohibit individuals from bringing and using their own personal utensils of any type for personal use in a food establishment.

3. Prepared food packaged outside the Town of Hudson is exempt from the provisions of this Bylaw, provided that it is sold or otherwise provided to the consumer in the same disposable food service ware in which it was originally packaged, and that the prepared food has not been altered or repackaged.

4. The Board of Health or health agent may exempt a food establishment or retail establishment from any provision of this Bylaw for a period of up to six months upon written application by the owner or operator of that establishment. No exemption will be granted unless the Board of Health or health agent finds that (1) strict enforcement of the provision for which the exemption is sought would cause undue hardship; or (2) the food establishment or retail establishment requires additional time to draw down an existing inventory of a specific item regulated by this Bylaw.

5. Medical facilities, nursing homes, assisted living, and residential care facilities are exempt from this prohibition regarding plastic straws.

For purposes of this Bylaw, "undue hardship" shall mean a situation unique to a food establishment or retail establishment in which there are no reasonable alternatives to the use of materials prohibited by this Bylaw, and that compliance with this Bylaw would create significant economic hardship for the Establishment.

Section V. Enforcement

The Health Agent for the Hudson Board of Health or his/her designee shall have authority to enforce this Act and any regulations promulgated thereunder.

The Town may enforce this Bylaw or enjoin violations thereof through any lawful process or combination of processes, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

Violations of this Bylaw are punishable by a fine of up to \$300 per violation. Each successive week of noncompliance will count as a separate violation. If non-criminal disposition is elected, then any Food or Retail Establishment that violates any provision of this Bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$50 penalty

Third and each subsequent offense: \$300 penalty

Section VI.

Health Agents shall have the authority to enforce this Bylaw. Violation of this bylaw may be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under M.G.L Chapter 40, 21D and the Bylaw for Non-Criminal Disposition of Violations. Not more than one fine shall be assessed within a fifteen (15) day period per retail establishment. Any such fines shall be paid to the Town of Hudson within 15 days of receipt.

The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this Bylaw.

Section VII. Interaction with Other Laws

In the case of a conflict between the requirements of this Bylaw and any other federal, state, or local law concerning the materials regulated herein, the more stringent requirements shall apply.

Section. Severability

If any provision of this Bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

Summary:

This article would prohibit food establishments in Hudson from:

- Using, selling, or otherwise distributing either polystyrene in foam form (Styrofoam), #6 rigid black plastic food service ware (e.g. cups, clam shells, plates) or #6 knives, forks and spoons.
- Distributing plastic straws, stirrers, splash sticks and chopsticks. Food establishments could distribute non-plastic straws, stirrers, splash sticks or chopsticks only on customer request. Straws requiring industrial composting would also not be allowed.
- Retail stores could sell disposable plastic straws, stirrers, splash sticks or chopsticks as long as non-plastic or reusable alternatives are also available and displayed nearby so customers can choose.
- Retail stores could no longer sell polystyrene packing materials including packing peanuts.

The banned items above are not recyclable in Hudson, or through private recycling companies.

Effective June 1, 2025.

Petitioned by Francis S. Ervin, et al.

Article 12: The Finance Committee did not take a vote on the subject matter of this article.

And you are directed to serve this warrant by posting up copies attested by you in the following places: one at the Post Office, one at the Town House, one at the Office of the Town Clerk, and in six other public places in said Town, fourteen days at least before the time of holding said meeting and by publication in a newspaper published in said Town.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before time of holding said meeting.

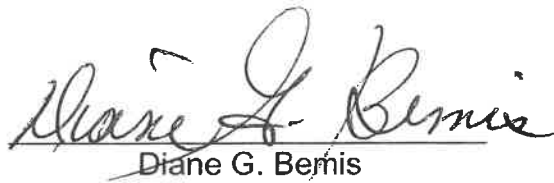
Given under our hands this 7th day of October signed by the Select Board in the year Two Thousand and Twenty-Four.


Scott R. Duplisea, Chairman


Judy Congdon, Vice Chairman


Steven C. Sharek, Clerk


James D. Quinn


Diane G. Bernis

INTRODUCTION TO TOWN MEETING

The Town Meeting is a deliberative assembly, charged with considering a number of questions of varying complexity in a reasonable period of time, and with full regard to the rights of the majority.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of 150 registered voters or more, the Moderator and the Town Clerk. The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is his responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT: All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Select Board. The Finance Committee reviews the warrant, making recommendations on items of business to be presented. In accordance with the By-Laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes otherwise, after reasons have been stated. The Moderator has full discretion to decide whether or not the motion to change the order of articles will be entertained.

PARTICIPATION: All remarks should be limited to the subject then under discussion. It is improper to indulge in references to personalities. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from the Meeting. Each individual who speaks to the Meeting should make an effort to be as brief as possible out of consideration for others attending the Meeting and the need to give adequate time to all matters coming before it.

CLASSIFIED MOTIONS: Pursuant to section 8 of article II of the By-Laws of the Town of Hudson, when a question comes before Town Meeting certain motions shall be received and have precedence in the following order:

PRIVILEGED MOTIONS: These are motions that have no connection with the main motion before the Town Meeting, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business before the Town Meeting.

TO ADJOURN (decided without debate); **TO FIX THE TIME FOR ADJOURNMENT**; **SUBSIDIARY MOTIONS:** These are motions that are used to modify or dispose of the main motion being considered. Their existence as motions depend on the main motion to which they are subordinate; **TO LAY ON THE TABLE** (decided without debate);

FOR THE PREVIOUS QUESTION (decided without debate); **TO COMMIT**; **TO AMEND**; **TO POSTPONE INDEFINITELY**

All motions may be withdrawn by the maker if no objection is made.

INFORMATION ON MOTIONS: A motion is the means of bringing a proposal or question before the Meeting for consideration. When put forward it is a motion; after is seconded and acknowledged by the Moderator, it becomes the question or proposal; and if it is approved by the Meeting, it becomes a resolution. Generally, no motion shall be entertained unless the subject is contained within a warrant article. The Moderator shall determine whether a motion is within the "scope of the article," that is, whether the warrant gives adequate notice that the action proposed by the motion might be taken at the Meeting. Articles only give notice and do not initiate action; motions do. Motions may be withdrawn; articles may not be.

Some motions avoid a final determination by the Meeting. A motion to commit or refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to lie on the table which only temporarily delays a vote.

Pursuant to article II, section 3 of the Town of Hudson By-Laws, no vote of Town Meeting shall be reconsidered except upon notice by an individual who voted with the majority thereon given within one hour of

such vote at the same or succeeding session. If the individual who gives notice does not immediately make such motion, then a motion to reconsider may be made by another individual voter who voted with the majority.

Pursuant to section 4 of article II, no article in the Warrant shall be again taken into consideration after disposed of unless ordered by a vote of two-thirds of the voters present and voting. Pursuant to section 5 of article II, no voter shall speak more than twice upon any question without obtaining leave of Town Meeting neither except to correct an error or explain a point, nor until all other individuals who have not spoken and so desire have been given the opportunity to speak. Pursuant to section 6 of article II, all motions must be reduced to writing before being submitted to the Town Meeting if required by the Moderator.

Pursuant to section 9 of article II, a motion to receive the report of a committee shall put the report before Town Meeting but not discharge the committee. A vote to accept or adopt such report with or without amendment shall discharge the committee.

Pursuant to section 10 of article II, a 150-voter quorum is required to conduct business at Town Meeting. However, no quorum is needed for a motion to adjourn.

Pursuant to section 11 of article II, articles in a warrant shall be considered in order, except that the Moderator upon request and for reasons stated, may entertain a motion to consider an article out of regular order.

Pursuant to section 12 of article II and in addition to the authority already specified above, the Moderator may administer the oath of office to a town officer chosen at Town Meeting. If a vote declared by the Moderator is immediately questioned by seven or more voters, then the Moderator must verify the vote by polling voters or dividing the Town Meeting. If a two-thirds vote of Town Meeting is required by State Statute, the count shall be taken and the vote recorded by the Town Clerk. However, if the vote is declared to be unanimous, a count is not needed and the Town Clerk shall record the vote as unanimous unless immediately questioned by seven or more voters.

TOWN FINANCE TERMINOLOGY

The following terms are used from time to time in the Annual Report and Town Meeting. In order to provide everyone with a better understanding of the meaning, the following definitions are offered:

SURPLUS REVENUE: (Sometimes referred to as Excess and Deficiency Account). This fund is the amount by which the Cash, Accounts Receivable, and other assets exceed the liabilities and reserves.

AVAILABLE FUNDS: (Often called "Free Cash") This fund represents the amount of money remaining after deducting from the Surplus Revenue all uncollected taxes for prior years, taxes in litigation and court judgments. This fund is certified annually by the State Bureau of Accounts and may be used to defray town costs by a vote of the Town Meeting.

OVERLAY: The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements and exemptions granted and to avoid fractions in the tax rate.

RESERVE FUND: This is a fund established by the voters at the annual town meeting and may consist of direct appropriations or transfers. Transfers from the Reserve Fund are initiated by the Executive Assistant and require the approval of the Finance Committee. The use of the Reserve Fund is restricted to "extraordinary or unforeseen expenditures".