

Special Town Meeting Minutes


June 26, 2023

Call to Order: June 26, 2023 at 7:30pm in the Town Hall Auditorium, 298 Central Street, Saugus, MA 01906

Pledge of Allegiance at 7:30pm

Tellers: Sue Palomba Precinct 1 and Peter Rossetti Precinct 2 at 7:32pm

Roll Call at 7:32pm



Town Meeting Member name	Pct	Present /Absent	Town Meeting Member name	Pct	Present /Absent	Town Meeting Member name	Pct	Present /Absent
Arone, A.	1	A	Hickman, J.	5	P	Paolini, M.	7	P
Bartolo, J.	6	P	Jones, C.	1	A	Riley, C.	2	P
Bell, M.	1	P	Kahn, J.	8	A	Ring, D.	10	P
Berube, K.	9	P	Kelly, D.	9	P	Rossetti, Jr., P.	2	P
Brown, W.	6	P	Kramich Jr., W.	8	P	Schena, D.	3	A
Camuso Sr., R.	2	P	LeBrasseur, E.	6	A	Scuzzarella, C.	10	P
Chipouras, J.	7	A	Leuci, W.	4	A	Smith, R.	3	P
Connors, Jr., A.	3	A	Long, R.	9	P	Spencer, B.	5	P
Costello, M.	10	P	Lopresti, A.	8	A	Strasnick, R.	9	P
Cross III, W.	8	A	Manoogian Sr, P.	10	P	Tesora, A.	3	A
Currie, K.	6	P	McCarthy, S.	7	A	Thompson, R.	3	A
D'Anna, S.	7	P	Migliore, M.	5	A	Traverse, T.	8	P
Davis, G.	4	P	Moreschi, C.	2	A	Vecchione IV, J.	2	P
Delios, P.	10	A	Northrup, R.	4	P	Wallace, R.	5	P
Doherty, S.	4	P	Palleschi, R.	7	P	Whitcomb, M.	4	P
Dunn, S.	1	P	Palomba, A.	1	P	Worthley, J.	9	P
Goodwin, P.	5	P	Panico, A.	6	P	Total Present=		34
Town Meeting:						Absent count=		16
		Date: STM June 26, 2023						

Attendance Count: Total: 33 + Moderator = 34

Making the Motion this Evening: Robert Long Precinct 9

Town Moderator Comments: Informs Town Meeting on those members unable to attend. Acceptance of the minutes of last session at 7:35pm: Unanimous vote Yes. He gives instructions on the process of tonight’s Town Meeting. Explains 2 Recommendations from Finance Committee and Planning Board.

No other committees

Town Moderator reads Town Counsels option into the tonight’s minutes: “In accordance with Section 28 of the Town Charter of the Town of Saugus, I have reviewed the Warrant for the Special Town meeting scheduled to be held on June 26, 2023 consisting of Five (5) Articles.

It is my opinion that said Warrant and the Five (5) Articles contained therein are legal with respect to form and that the Town meeting is within its authority to act on said Articles in said Warrant as written with the following exception.

Article 4 entitled “Responsible Employer Ordinance” is not proper with respect to form for the following reasons: the town does not vote to adopt ordinances as cities do but only adopts bylaws as this article purports to adopt an ordinance. The article refers to the Board of Selectmen as making a determination with respect to the awarding of certain contracts when under Article 2 section 13 of the Saugus Town Charter it is the Town Manager and the Board of Selectmen that awards all contracts. Finally, if the intent of this article was to be a non-binding resolution it is not so stated in the article. As a result, this article does not sufficiently state the subject to be acted upon.”

As a courtesy to the Finance Committee, Robert Long, Precinct 9 moves Article 2 as recommended:

Seconded at 7:39pm

Article as Written:

Article 2.: To see if the Town will authorize the funding from free cash or stabilization fund, not to exceed \$66,000, to complete the land survey needed to verify if the land located across the river from the cemetery is suitable for expansion of cemetery grounds for use of burial, and additionally funding to initiate design and implementation process.

Town Moderator states there are 2 typos in the article. Typo is “us” should say “use”. The amount should have read \$66,100.00. Motion to amend the article as stated.

Motion by Robert Strasnick, Precinct 9 to move the Amendment.

Seconded at 7:40pm

Unanimous voice vote Yes on the amendment at 7:40pm

Ron Wallace, Precinct 5 and on the Cemetery, Commission speaks at 7:40pm. He thanks all members on the commission. He would like to reading the letter into the record by Rich Thompson, Precinct 3 Town Meeting Member and chairmen of the Cemetery Committee:

Dear Town Meeting Members,

I am writing to all of you and asking for your support for Article 2.

Due to a situation beyond my control, I am unfortunately unable to attend this session of Town Meeting. The Cemetery Commission is required by state law to pursue expansion and new cemetery space when the existing space is running low. Riverside Cemetery is close to capacity and the town currently has no options for ground burials for citizens when space runs out.

For several years now, we have explored options for an expansion of existing grounds or a new cemetery in town.

We had explored the Curly property off Water Street, and looked at the feasibility of doing a land swap with the state to give them some of the wetlands up there, in exchange, for some of the other usable land. This would also require many other steps, but we have discovered that at this time that is not a feasible option. We have inquired about space on town properties that were until recently, used as public schools.

The property on the other side of the brook at the rear of the Riverside cemetery is a part of the cemetery land. That land has never been developed for use.

It currently sits unused with a small portion used as a community tree farm. Years ago, permission was granted to allow use of the property to be used to grow and maintain trees. The rest of the property is quite large. Only a portion of the overall property would be used to expand the cemetery.

The brook is not restricted, so the use of two small short entry and exit bridges placed side by side for vehicles and fire apparatus would be installed. Pedestrian access would also be from inside the existing cemetery.

The use of any other roads or trails for pedestrians to access the cemetery has not been a part of discussions.

On the backside of the proposed cemetery expansion is the Rail Trail Bike Path nearby. This project would not affect anything in regards to the bike trail.

There are many modern burial methods and plot designs, and all methods are being considered to be incorporated, allowing us thousands of new graves over a small area above the flood line. If the study found it feasible as a burial ground, the Cemetery Commission, with community input, could explore the best options for the design of the new grounds.

The Cemetery Commission agrees that it is very important to keep the area as natural looking as possible.

We have also heard some concerns from the community about what would happen to the tree farm if the cemetery land across the brook was used for expansion. The tree farm would not be eliminated. The desire is to incorporate the tree farm into any expansion or expansion design.

The Cemetery Commission has had conversations with members of the community and with some Selectmen, and with the Town Managers office to gather feedback and hear any concerns.

The proposal submitted to Town Meeting is to fund the survey needed to see if part of the land could be used as additional cemetery space. If it was determined that the area could be used, then the additional funding in the proposal would be used towards the design and implementation process.

This process and plan would include land for the tree farm to continue.

The overall area is around 30 acres. The area of use for the cemetery grounds would likely be on land in a specific area of 6 acres that are likely useable land for burials.

The town desperately needs cemetery space. The commission has considered closing a couple small roads within the cemetery to use for burials. If implemented, this will add some needed graves, but will only be to buy some time as other options are sought. Citizens have an option of cremation or ground burial. There has been talk about other alternative modern burial options. During the process, we will explore all options to incorporate into the expansion.

The commission sought proposals for initiating the project.
Engineering Alliance, Inc. has prepared the proposal that is before you.

The article language is as follows.

Article 2:

To see if the Town will authorize the funding from free cash or stabilization fund, not to exceed \$66,100 to complete the land survey needed to verify if the land located across the river from the cemetery is suitable for expansion of cemetery grounds for the use of burials, and additionally includes funding to initiate the design and implementation process.

- Saugus Cemetery Commission

We ask that you vote yes to fund the study.

Thank you,

Rich Thompson - Chairman Saugus Cemetery Commission

Saugus Cemetery Commission

Rich Thompson

Ron Wallace

Tom Nolan

Janice Jarosz

Kathy Giannetta

Cemetery Superintendent John Falasca

He thinks this is the pretty much the only option right now. The plots left are around 40. If they put in more rows it's just a band aid not a permanent solution.

Dennis Gould, 6 Serino Way, speaks at 7:46pm stating he was the chairmen of the Cemetery commission. Explains brief history on the town's cemeteries, 15 years ago we had several hundred graves left and we knew there was an end in sight. He is in support of this article.

No Discussion

Article as Voted: Voted to recommend the Town vote to appropriate the sum of \$66,100.00 to complete the land survey needed to verify if the land located across the river from the cemetery is suitable for expansion of cemetery ground for use of burial and additional funding to initiate design and implementation process. The source of funding is July 1, 2022 certified free cash.

Hand vote on Article 2 with the amendment at 7:51pm.

Right Yes: 19, Left Yes: 13, Total: 32

Right Oppose: 0, Left Oppose: 1 (Bill Kramich, Precinct 8), Total: 1

Article 2 passes by majority hand vote at 7:51pm

As a courtesy to the Finance Committee, Robert Long, Precinct 9 moves Article 3 as recommended:

Seconded at 7:53pm

Article as Written:

Article 3.: To see if the Town will vote to appropriate a sum of money from the PEG Access Enterprise Fund for the purpose of funding capital equipment for the PEG Access studio/facility in Saugus.

Said funds to be distributed under the authority and direction of the Board of Selectmen as they see fit pursuant to the current Cable Television Renewal License Agreement between the Town and its designee a PEG access corporation. (SCTV Board of Directors)

Rachel Brugmen, 30 Main Street, Saugus TV and the Operations Manager, \$55,793.00 of the \$85,000.00 will be to update the equipment in the Town Hall; audio and video. \$29,207.00 will be for equipment at the station and in the field.

Maureen Whitcomb PCT 4 speaks at 7:54pm in favor of this article.

Article as Voted: Voted to recommend the Town vote to appropriate the sum of \$85,000.00 for the purpose of funding capital equipment for the PEG Access studio/facility in Saugus. The source of funding is July 1, 2022 certified retained earnings of the PEG Access Enterprise Fund.

Article 3 passes by unanimous voice vote Yes at 7:55pm

As a courtesy to the Finance Committee, Robert Long, Precinct 9 moves Article 4 as recommended:

Seconded at 7:56pm

Article as Written:

Article 4.: To see if the Town will vote the “Responsible Employer Ordinance” by adopting the following language:

Responsible Employer Ordinance

(a) The Selectmen hereby finds and determines that taxpayer money is most efficiently and productively spent by awarding construction contracts to firms that include and enforce provisions requiring compliance with state laws governing the payment of prevailing wages, the provision of workers compensation coverage, and the proper classification of individuals as employees and not as independent contractors, as we as state law concerning health insurance coverage and state certified apprenticeship programs. The Town Selectmen hereby further finds and determines that it is appropriate for it to exercise entrepreneurial discretion by requiring firms that are awarded such contracts to comply with this ordinance because a failure to comply is injurious to the life, health and happiness of individuals employed by such firms and is deleterious to the quality of life in the Town where most of such individuals reside.

(b) Whenever the Town of Saugus is procuring construction services subject to the provisions of G.L. chapter 149 and chapter 149A the following shall be incorporated into the procurement documents and made part of the specifications and contract. Any person, company or corporation shall acknowledge, in writing, receipt of said requirements with their bid or proposal.

(c) All bidders or proposers and all subcontractors and trade contractors, including subcontractors that are not subject to G.L. c. 149, §44F, under the bidder for projects subject to G.L. c. 149, §44A(2), and proposers under G.L. c. 149A, shall as a condition for bidding or subcontracting verify under oath and in writing at the time of bidding or submittal in response to an RFP or in any event prior to entering into a subcontract at any tier, that they comply with the following conditions for bidding or subcontracting and, for the duration of the project, shall comply with the following obligations:

(1) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must comply with the obligations established under G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees.

(2) In order to ensure efficient use of taxpayer dollars, minimize waste, and promote worker safety and fair treatment of workers, the Town finds it necessary to ensure that contractors and subcontractors engaged to perform work on the Town’s behalf participate in the training of

apprentices in the respective trades. Moreover, it is important to help ensure the continued presence of the skilled, trained workers who will be necessary to work on Town construction over the next decade.

Therefore, the bidder or proposer and all trade contractors and subcontractors* under the bidder or proposer must certify that at the time of bidding that it/they maintain or participate in a Bona Fide Apprentice Training Program ("BFATP"). A BFATP is one that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journey person status for at least three of the past five years. To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying that it participates in a BFATP for each trade or classification listed. If the firm participates in a recently formed apprenticeship program for a trade or craft it employs, it may satisfy the training requirement of this certification by providing documentation showing that the program in which it participates: (i) has been established within the past five years; (ii) is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency; and (iii) provides bona fide apprenticeship training to participants and is in compliance with the standards and requirements applicable to registered apprenticeship programs under 29 C.F.R. 29, including the requirement under these rules to maintain as at least one registered apprentice in accordance with the guidelines of 29 C.F.R. 29.6(a). Any bid submitted without the above certification shall be rejected.

(3) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must maintain appropriate industrial accident insurance coverage for all employees on the project in accordance with G.L. c.152;

(4) The bidder or proposer and all trade contractors and subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. (G.L. c.149, §148B on employee classification);

(5) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must at the time of bidding certify that, at the time employees begin work at the worksite, all employees will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration, and shall ensure that all employees working at the worksite possess such qualifications at all times throughout the duration of their work on the project and furnish documentation of successful completion of the course;

(6) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under the statute by the Commonwealth Health Insurance Connector Authority.

(7) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must make arrangements to ensure that each employee of every contractor entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign in/out logs shall be provided to the Procurement Officer, Building Commissioner and Town Engineer on a bi-weekly basis, and shall be verified by the Procurement Officer or by his or her designee.

(8) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer, prior to bidding or, if not subject to bidding requirements, prior to performing any work on the project, shall sign under oath and provide to the Town a certification that

they are not debarred or otherwise prevented from bidding for or performing work on a public project in the Commonwealth of Massachusetts or in the Town.

(d) A proposal or bid submitted by any general bidder or by any trade contractor or subcontractor under the general bidder or proposer that does not comply with any of the foregoing conditions for bidding shall be rejected, and no subcontract for work outside the scope of G.L. c. 149, §44F shall be awarded to a subcontractor that does not comply with the foregoing conditions.

(e) All bidders or proposers and all trade contractors and subcontractors under the bidder or proposer who are awarded or who otherwise obtain contracts on the projects subject to G.L. c. 149, §44A(2) or c. 149A, shall comply with each of the obligations set forth in this ordinance for the entire duration of their work on the project, and an officer of each bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

(f) Any proposer, bidder, trade contractor or subcontractor under the bidder or proposer who fails to comply with any one of obligations set forth in this section for any period of time shall be, at the sole discretion of the Town, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the Town in the amount of 5% of the dollar value of the contract .

(g) In addition to the sanctions outlined in the sections above, a proposer, general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to G.L. c. 149, §44F. Any contractor or subcontractor that has been determined by the Town or by any court or agency to have violated any of the obligations set forth in this section shall be barred from performing any work on any future projects for six months for a first violation, three years for a second violation and permanently for a third violation. (Robert Camuso Sr., Town Meeting Member, Precinct 2)

Town Moderator re-reads the recommendation by Town Counsel.

Motion by Peter Manoogian: Motion to refer article 4 back to the maker.

Seconded: 7:56pm

Robert Camuso Sr., Precinct 2 speaks at 7:57pm who is the maker of the article and will take it back and redefine it. He doesn't understand why this went to the Finance Committee. Thanks to those who came in to support today.

Town Moderator spoke with the Chairman of the Finance Committee on why it went to them and he had similar concerns, it was because of possible future contracts.

Article as Voted: Motion to refer Article 4 back to the maker.

Article 4 passes by unanimous voice vote Yes to refer back to the maker at 7:59pm.

As a courtesy to the Anthony Cogliano, Robert Long, Precinct 9 moves Article 5 as recommended:

Seconded at 8:00pm

Article as Written:

Article 4.: To see if the Town will vote to amend the zoning map by changing the zoning classification of Assessors parcel 010.D-0001-0006.0, located at 39R Forest Street, from Residential 2 to the Business Highway Residential District as shown on the plan or what it will do in relation thereto. (Anthony Cogliano, Board of Selectmen)

Town Moderator at 8:00pm reads the recommendation from the Planning Board:

In accordance with Massachusetts General Laws Chapter 40A, Section 5, Article 5 of the Warrant for the June 26, 2023 Town of Saugus Special Town Meeting (Article 5) was referred to the Saugus Planning Board (Board) for its recommendations regarding the passage of Article 5. Article 5 provides in its entirety as follows:

To see if the Town will vote to amend the zoning map by changing the zoning classification of Assessors parcel 010.D-0001-0006.0, located at 39R Forest Street, from Residential 2 to the Business Highway Residential District as shown on the plan or what it will do in relation thereto. (Anthony Cogliano, Board of Selectmen)

On June 15, 2023, after due issuance of all required legal notice, the Board opened a public hearing regarding Article 5. After doing so, the Board invited Article 5's proponent, the owner of the property located at 39R Forest Street, or their legal representatives to make a presentation, but they were not in attendance at the hearing.

The Board then received public testimony from members of the public in attendance, who expressed concerns regarding the future development of this property and adjacent parcels in the same ownership, as well as concerns about the possibility that an access road could be built to create a "cut-through" between Route 1 and Forest Street.

After receiving public comment, the Board discussed Article 5 on the record and expressed concerns that the rezoning of this property could lead to the creation of an access road between Route 1 and Forest Street. The Board further noted that the property owner's legal representatives had previously represented that the owner was willing to enter into a binding covenant to prevent access between Route 1 and Forest Street, but no such covenant had been agreed to as of the time of the Board's public hearing.

The Board also received testimony from Special Town Counsel that although counsel for the Town and property owner had been engaged in negotiations regarding a restrictive covenant to prevent access between Route 1 and Forest Street, no such covenant had yet been finalized or agreed to, and the owner had recently requested/proposed certain modifications to the draft covenant that were deemed inadvisable by Town Counsel, as they would make the covenant contingent upon receipt of future discretionary approvals for the development of the site. The Board discussed this requested modification and agreed with Town Counsel that it was inadvisable.

*Thereafter, a motion was made and seconded to close the public hearing, which carried by unanimous vote (4-0). A motion was then made and seconded to recommend **DISAPPROVAL** of Article 5 to Saugus Town Meeting, which carried by unanimous vote (4-0). See statement of recommendations below.*

Anthony Cogliano, 27 Serino Way and Chairman of the Selectmen speaks at 8:03pm this was approved by the Planning Board twice and now denied once. At the 11th hour some language concerning cell towers on the property another issue came up and Mr. Palomba decided not to proceed with the Planning Board that night. His involvement with this property was to prevent access onto Forest Street. He thinks we are doing the wrong thing if we turn it down. He would hope someone would make a motion to refer back to the Planning Board.

Peter Manoogian makes an amendment at 8:04pm.

Amendment: Motion to refer Article 5 to the property owner and to request that any resubmission occur after the property owner has developed a site plan that includes:

- 1. A detailed drawing that shows the proposed location, dimensions, and features of the specific project proposed on the site including:*
 - a. building footprints*
 - b. parking*
 - c. landscaping*
 - d. utilities*
 - e. drainage*
 - f. access*
 - g. setback*
 - h. relation to existing utility easements*
- 2. How the proposed project complies with existing special permit condition voted in 1988.*

Refer back to the property owner.

Seconded at 8:05pm

Peter Manoogian, Precinct 10 speaks at 8:05pm going back to 1988, on the parcel. This is the 3rd time this article is before Town Meeting. He reads previous conditions from Special Permits in 1988. This motion is for him to come back to us matching the items on the Special Permit. If we IP they cannot come back for 2 years. This motion will have them come back with answers. Please support the Amendment to put the ball back in the court of the property owner.

Robert Long, Precinct 9 speaks at 8:12pm in support of the referral to send back to the maker and not to IP it. He has a letter from property owners Margaret & Vito Briatico, 15 Forest Street who is opposed of the article, which he reads some to town meeting and lets them know it filed with the Clerk. He asks why is the maker of the article not the owner of the property? Never seen an article that would profit off of one individual. Should avoid if ever possible.

Anthony Cogliano speaks to clarify his involvement for all the residents of Forest Street and not Sal Palombo. His actions is to prevent anyone going on to Forest Street.

Mike Serino, Board of Selectmen speaks at 8:21pm he shouldn't have put Board of Selectmen on the article.

Anthony Cogliano answers at 8:21pm that he didn't.

Article as Voted: Motion to refer Article 5 to the property owner and to request that any resubmission occur after the property owner has developed a site plan that includes:

1. A detailed drawing that shows the proposed location, dimensions, and features of the specific project proposed on the site including:
 - a. building footprints
 - b. parking
 - c. landscaping
 - d. utilities
 - e. drainage
 - f. access
 - g. setback
 - h. relation to exiting utility easements
2. How the proposed project complies with existing special permit condition voted in 1988.

Article 5 passes by unanimous voice vote Yes on the Amendment to refer back to the maker at 8:22 pm

Motion to adjourn the June 26, 2023 Special Town Meeting at 8:23pm.

Seconded at 8:23pm

Unanimous voice vote Yes to adjourn at 8:23pm.

Adjourned at 8:23pm, sine die.

Sincerely

Ellen Joyce Schena, CMMC
Saugus Town Clerk