

Special Town Meeting - Oct. 25, 2010

TOWN OF SAUGUS

Essex, ss.

To the Constable of the Town of Saugus

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Saugus, qualified to vote in Town affairs for the Special Town Meeting at the Saugus Town Hall located at 298 Central Street on October 25, 2010 at 7:30 PM to hear and act on the following articles: viz;

Article 1. To hear and act on reports of Committees.

Article 2. To see if the Town will vote to reduce the Group Health Insurance appropriations as voted under Article 2 of the 2010 Annual Town meeting or to take any other action relative thereto. (Town Manager)

Article 3. To see if the Town will vote to reduce the Unemployment Compensation appropriation as voted under Article 2 of the 2010 Annual Town Meeting or to take any other action relative thereto. (Town Manager)

Article 4. To see if the Town will vote to reduce the Street Lights appropriation as

voted under Article 2 of the 2010 Annual Town Meeting or to take any other action relative thereto. (Town Manager)

Article 5. To see if the Town will vote to reduce the Rubbish Disposal appropriation as voted under Article 2 of the Annual Town Meeting or to take any other action relative thereto. (Town Manager)

Article 6. To see if the Town will vote to raise and appropriate or transfer from other available funds a sum of money for the purpose of funding the remainder of the Fiscal Year 2011 Northeast Regional Vocational School Assessment or to take any other action relative thereto. (Town Manager)

Article 7. To see if the Town will vote to raise and appropriate from the tax levy an amount to be deposited in the targeted stabilization account created for the purpose of reducing or eliminating athletic and extracurricular user fees in the Saugus Public Schools. (Town Manager)

Article 8. To see if the Town will vote to release a sum of money from the targeted stabilization account for student athletics and activities to be used in accordance with the plan provided by the Saugus School Department. (Saugus School Committee)

Article 9. To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen, to borrow a certain amount at 0% interest from the MWRA Local Pipeline Assistance Program Fiscal Year 2012 for the purpose of designing and constructing improvements to water pipelines or to take any other action relative thereto. (Town Manager)

Article 10. To see if the Town will vote to raise and appropriate a sum of money for capital improvements to the town's sanitary sewer system, including all costs thereof as defined in Section 1, of Chapter 29C of the Massachusetts General Laws, as

amended; to determine whether this appropriation shall be raised by borrowing from Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto. (Town Manager)

Article 11. To see if the Town will vote to appropriate or transfer from available funds the sum of \$55,200 for the purpose of purchasing bullet proof vests for the police department to replace current expired vests. The Town will be reimbursed the sum of \$18,850 from a matching fund federal grant that has been awarded to the police department. (Police Department)

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to pay for the purchase of a new backhoe and sander for a truck for the cemetery department, to determine whether this appropriation shall be raised by borrowing or otherwise, or to take any other action relative there. (Saugus Cemetery Commission)

Article 13. To see if the Town will vote to transfer the care, custody and control of 26.6 acres of Town of Saugus Property located on Assessors Plan 1038, formerly known as Curley Property, for the use by Cemetery Commission for a Cemetery for Saugus Residents and remaining acreage to Town of Saugus School Department. The 26.6 acres would be the parcel of property located at North and West portion of the ~ 63.3 acres of property. (Saugus Cemetery Commission)

Article 14. To see if the Town will vote, pursuant to Massachusetts General Law c. 82 to accept Sanders Drive (1,950 linear feet) as shown on a plan of land entitled "Definitive Plan Sanders Drive, Saugus, Mass." prepared for Kenneth Sanders Trustee, by Hayes Engineering, recorded with Essex South Registry of Deeds on May 15, 1987 as Plan No. 43 in Book 225. Form K received and approved by the Town of Saugus Planning Board on February 19, 1998. (Town Manager)

Article 15. To see if the Town will vote, pursuant to Massachusetts General Law c. 82 to accept Kayla Drive (915.0 linear feet) and Lisa Lane (743.5 linear feet) as shown on a

plan of land entitled "As Built Longwood Estates, Saugus, Massachusetts" prepared for Gregholl Realty Trust by Otte and Dwyer, Inc., dated June 10, 2002 and on file with the Saugus Planning Board. Form K received and approved by the Town of Saugus Planning Board on October 3, 2002. (Town Manager)

Article 16. To see if the Town will vote to amend the Town of Saugus by-laws by inserting the following:

601.16 - UNLAWFUL PARKING

It shall be unlawful to park or leave standing or unattended, for greater than two hours, on any public way or private way open for use for the general public, any vehicle or combination of attached vehicles twenty-five (25) feet or more in length or having a registered gross weight of ten thousand pounds (10,000) lbs. or more, or any unattached trailer regardless of its length or weight.

The term vehicle shall include, but not be limited to, a truck, tractor, trailer, bus, van, motor or mobile home, or recreational vehicle.

The prohibition imposed hereby *shall not apply* to the parking or standing of such vehicles when:

32453. Making pickups or deliveries, or loading or unloading goods, to or from property located on the way or within one thousand feet (1,000') of the subject property.

32453. Being used in connection with, or in aid of, the performance of a service to or on a property located on the way or within one thousand feet (1,000') of the subject property.

32453. Parked or standing on a private way in a district zoned as "Business or Industrial" on the Town of Saugus zoning map on file in the office of the Building Inspector and the Department of Public Works.

Fine: Parking Tag – Fifty Dollars \$50.00

(Domenic J. DiMella, Police Chief)

Article 17. To see if the Town will vote to amend the Town of Saugus by-laws by inserting the following:

602.22 DOOR-TO-DOOR SOLICITORS & CANVASSERS

32453. **Definitions; applicability:**

32453. As used in this section, the terms "solicit" and "canvas" shall mean and include any one or more of the following activities conducted at residences without the previous consent of the owner:

32453. Seeking to obtain the purchase, or orders for the purchase of goods, ware, merchandise, foodstuffs or services of any kind, character or description whatever for any kind of consideration whatever; or

32453. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and ever other type or kind of publication.

32453. The provisions of this section shall not apply to officers or employees of the Town of Saugus, county, state or federal government, or any subdivision thereof when on official business, or to neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns or similar services to residents, nor shall it be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries from calling upon customers.

32453. If any solicitor or canvasser is under the age of *18 years* and is selling goods or periodicals for a commercial purpose, the provisions of **MGL c. 101, § 34** shall apply.

32453. The provisions of this section shall not apply to any person soliciting solely for political, religious, or charitable.

32453. **Registration required:**

It shall be unlawful for any person to solicit or canvas or engage in or conduct business as a canvasser or solicitor without first having obtained a **Certificate of Registration** from the Chief of Police as provided in this section.

32453. **Application for Certificate of Registration:**

32453. Application for a **Certificate of Registration** shall be made upon a form provided by the Saugus Police Department along with a nonrefundable application fee of \$25.

32453. An authorized representative of the sponsoring organization shall apply to the Chief of Police or his/her designee either in person or by mail. All statements on the application or in connection therewith shall be under oath. The applicant shall provide all information requested on the application, including:

32453. Name, address and telephone number of the sponsoring organization, along with a listing of all officers and directors;

32453. State and/or federal tax identification number of the sponsoring organization;

32453. Name, residential and business address, length of residence at such residential address, telephone number, social security number and date of birth of each representative of the sponsoring organization, who will be soliciting or canvassing in the Town of Saugus;

32453. Description sufficient for identification of the subject matter of the soliciting or canvassing in which the organization will engage;

32453. Period of time for which the certificate is applied (every certificate of registration shall expire within one year of date of issue);

32453. The date of the most recent previous application for a certificate of registration under this section;

32453. Any previous revocation of a certificate of registration issued, to the organization or to any officer, director or representative of the organization by any city or town and the reasons therefor;

32453. Any convictions for a Felony, either state or federal, within five years of the application, by the sponsoring organization, any of its officers or directors, or any representative who will be soliciting or canvassing in the Town of

Saugus;

32453. Names of the three communities where the organization has solicited or canvassed most recently;

32453. Proposed dates, hours and method of operation in the Town of Saugus;

32453. Signature of authorized representative of the sponsoring organization.

32453. A photograph or an acceptable photocopy of a photograph of each representative of the sponsoring organization who will be soliciting or canvassing in the Town shall be attached to the application.

32453. No certificate of registration shall be issued to any person, or to any organization having an officer or director who was convicted of commission of a Felony, either state or federal, within 5 years of the date of the application, nor to any organization or person whose certificate of registration has previously

been revoked as provided below.

32453. Fully completed applications for certificates shall be acted upon within 10 days of receipt. The Chief of Police shall cause to be kept in his office accurate records of every application received together with all other information and data pertinent thereto and of all certificates of registration issued under this section and of all denials.

32453. Upon approval of an application, each solicitor or canvasser shall be issued a **Certificate of Registration** to carry upon his/her person at all times while soliciting or canvassing in the Town of Saugus and to display the certificate whenever asked by any Police Officer or any person solicited.

32453. **Revocation of certificate.**

32453. Any certificate of registration issued hereunder may be revoked by the Chief of Police for good cause, including conviction of the holder of the certificate of violation of any of the provisions of this section or any false material provided in application. Immediately upon such revocation, the Chief of Police shall give written notice to the holder of the certificate in person or by certified mail addressed to his/her residence set forth in the application.

32453. Immediately upon the giving of such notice, the certificate of registration shall become null and void. In any event every certificate of registration shall state its expiration date, which shall be no later than one year from date of issue.

32453. **Deceptive practices.**

No solicitor or canvasser registered or exempt from registering may use any plan, scheme, or ruse which misrepresents the true status or mission of any person conducting the solicitation or canvas in order to gain admission to the home, office or other establishment of any person in the Town of Saugus.

32453. **Duties of solicitors and canvassers.**

32453. It shall be the duty of every solicitor and canvasser going onto any premises in the Town of Saugus to first examine whether there is a notice posted stating that no solicitors are welcome. If such notice is present, then the solicitor or canvasser shall immediately and peacefully depart from the premises.

32453. Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

32453. **Lawful hours to conduct solicitation or canvas.**

All canvassing or soliciting under this section shall be confined to the hours between **10:00 AM** and **8:00 PM** throughout the year.

32453. **Penalty for violations of Article**

Any solicitor or canvasser who violates any provision of this Article shall be fined not less than five dollars (\$5.00) nor more than two hundred (\$200.00) for each offense, and in certain cases, by **arrest** as provided in **MGL c. 101 s. 32**.

(Domenic J. DiMella, Police Chief)

Article 18. To see if the Town will vote the following resolution:

Whereas:

The Massachusetts Bay Transportation Authority offers to enter into a 99-year Alternative Transportation Corridor Agreement with the Town of Saugus that would grant rights to Town in the Saugus Branch Rail Road Line from the Revere City Line near Lincoln Street through Saugus Center to the Lynn City Line near Boston Street for in order to establish a rail trail (Trail);

Such a Trail will be used by residents for healthful, non-motorized activities such as walking, bicycling and jogging;

The Trail will interconnect neighborhoods with Saugus Center, parks such as Anna Parker Playground, scenic areas along the Saugus River and allow students to walk or bike to the Belmonte Middle School and Waybright Elementary Schools, Communities such as Danvers and Everett had engaged the services of Iron Horse Preservation, Inc., a non-profit organization based in Reno Nevada to remove rails and ties and create a stone dust trail at no cost to those communities.

Therefore,

Be it Resolved: BY THE TOWN MEETING OF SAUGUS as follows:

The Town Meeting hereby authorizes the Board of Selectmen to negotiate an “Alternative Transportation Corridor Agreement” for a period of 99-years of substantially similar terms and conditions as the standard agreement developed by the MBTA;

The Council hereby authorizes the Board of Selectmen and the town manager to take such actions as necessary to complete the design this section of the Trail, including actions necessary to secure federal, state and private funds.

The Town manager shall issue a no-cost Request for Proposals for rail and tie removal and the construction of a trail that will be the most beneficial trail to the Town. (James Tozza, President, Bike To The Sea)