

ATM Warrant - May 7, 2012

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 Annual Town Meeting at the Saugus Town Hall located at 298 Central Street on May 7, 2012 at 7:30 p.m. to hear and act on the following articles: viz;

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

Article 2. To see what sum of money the Town will vote to raise and appropriate for Town charges for the ensuing fiscal year 2013. (Town Manager)

Article 3. To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 2 of the 2011 Annual Town Meeting during the current fiscal year, and determine whether the money shall be provided by transfer from available funds; or to see what other action the Town wishes to take in the matter.
(Town Manager)

Article 4. To see what sums of money the Town will vote to raise and appropriate for the Water Enterprise Fund for the ensuing fiscal year 2013. (Town Manager)

Article 5. To see what sums of money the Town will vote to raise and appropriate for the Sewer Enterprise Fund for the ensuing fiscal year 2013. (Town Manager)

Article 6. To see if the Town will vote to appropriate a sum of money for capital improvements to the Town's sanitary sewer system, including the payment of all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto. (Town Manager)

Article 7. To see if the Town will vote to reauthorize a revolving fund for the purpose of supporting recreational programs for the community. Established fees will be used for the operating expenses in connection with maintaining these programs. (Town Manager)

Article 8. To see if the Town will vote to re-authorize a revolving fund for the purpose of supporting the water system cross-connection program. Established fees will be used for the operating expenses in connection with maintaining the program as mandated by the Department of Environmental Protection. (Town Manager)

Article 9. To see if the Town will vote to re-authorize a revolving fund for the purpose of supporting programs and activities at the Senior Center. Established fees will be used for the

operating expenses in connection with maintaining these programs. (Town Manager)

Article 10. To see if the Town will vote to re-authorize a revolving fund for the purpose of supporting the Senior Lunch Program at the Senior Center. Established fees will be used for the operating expenses in connection with maintaining this program. (Town Manager)

Article 11. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay for general maintenance and upkeep of buildings and grounds at the Riverside Cemetery. Pursuant to M.G.L. Chapter 114, sections 15 and 25, source of funds to be the Cemetery Land Sales Account. (Town Manager)

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds (FY2013 Chapter 90 Highway) a sum of money for street resurfacing. Said sum will be reimbursed by the Commonwealth under the provisions of MGL chapter 90, section 34. (Town Manager)

Article 13. To see if the Town will vote to raise and appropriate or transfer from available funds (18% of FY2013 Chapter 90 Highway Funds) for handicapped ramps and sidewalks. Said sum will be reimbursed by the Commonwealth under the provisions of MGL Chapter 90, section 34. (Town Manager)

Article 14. To see if the Town will vote to raise and appropriate a sum of money for the purpose of participation in Help for Abused Women and their Children (HAWC) or take any other action relative thereto. (Town Manager)

Article 15. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay the arbitration award of the Joint Labor Management Commission relative to award settlement for pay raises for Fiscal Year 2012 and Fiscal Year 2013 for the Saugus Police Patrolmen's Union, or to take any other action relative thereto. (Town Manager)

Article 16. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay the arbitration award of the Joint Labor Management Commission relative to award settlement for pay raises for FY2011, FY2012 and Fiscal Year 2013 for the Saugus Firefighters Union, or to take any other action relative thereto. (Town Manager)

Article 17. To see if the Town will vote to appropriate a sum of money for the municipal department's computer software and technology upgrades, including the payments of costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (Town Manager)

Article 18. To see if the Town will vote to re-appropriate the Sewer Enterprise Revenues as voted under Article 8 at the June 13, 2011 session of the May 2011 Annual Town Meeting. The purpose of which is to reclassify the appropriation from retained earnings to the sewer usages charges as required by the Department of Revenue, or to take any other action relative

thereto. (Town Manager)

Article 19. 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 2013 for the purpose of designing and constructing improvements to water pipelines or to take any other action relative thereto. (Town Manager)

Article 20. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen to raise and appropriate by borrowing or otherwise a sum of money for the purpose of funding the Lincoln Avenue Reconstruction Project, from Cliftdale Square to the City of Revere line, or to take any other action relative thereto. (Town Manager)

Article 21. To see if the Town will vote to accept Massachusetts General Law Chapter 41 Section 108P allowing a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer or a certified Massachusetts district treasurer, shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10% of such regular annual compensation, but not more than \$1,000.00 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the Mayor or the Board of Selectmen of such city or town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn. (Town Manager)

Article 22. To see if the Town will vote to accept Massachusetts General Law Chapter 32, section 20, which authorizes the Town to establish an Other Post Employment Benefits Liability Trust Fund to reduce the unfunded liability of health care and other post employment benefits to meet the normal cost of all such future benefits for which the Town of Saugus is obligated, and raise and appropriate a sum of money for deposit in said Trust Fund, or take any other action thereon or relative thereto. (Town Manager)

Article 23. To see if the Town will vote to amend Section 601.00 of the Town Bylaws by adding the following section:

Any residence may place out for solid waste collection on their regular weekly collection day up to two additional 45 gallon barrels. Any such additional barrel(s) must contain a sticker displayed on said barrel(s) which stickers may be purchased at the Town Hall at a price of \$2.00 per sticker. Said barrel(s) may be placed out for collection on a weekly basis in addition to the current three barrel per residence limit. (Town Manager)

Article 24. To see if the Town will vote to amend the Town Bylaws under Section 809.00 Sealing Fees for Weighing and Measuring Devices by increasing the fees as follows:

<u>Balance & Scales</u>	
Over 10,000 lbs	\$150.00
5,000 to 10,000 lbs	60.00
1,000 to 5,000 lbs	40.00
100 to 1,000 lbs	35.00
Under 100 lbs	30.00
<u>Weights</u>	
Avoirdupois (each)	2.00
Metric (each)	2.00
Apothecary (each)	2.00
Troy (each)	2.00
<u>Liquid Measuring</u>	
Gasoline (inlet ½" – 1")	25.00
Vehicle Tank (oil truck)	75.00
<u>Other Devices</u>	
Taxi Meters	25.00
Fabric Measuring	20.00
Wire-Rope Cordage	20.00
Reverse Vending	15.00
<u>Electronic Checkout Systems</u>	
Less than 4 Units	75.00
4 – 11 Units	150.00
More than 11 Units	200.00
<u>Adjusting Fees</u>	
Weighing Device	5.00
Measuring Device	20.00

(Town Manager)

Article 25. To see if the Saugus Town Meeting will vote to amend section 501.05 of the Town of Saugus Bylaws by adding a new section that will require that Town Meeting be provided the Finance Committee Report and dollar amount recommendations at least 48 hours prior to Town Meeting voting any appropriation or borrowing.

Existing language:

501.05 Duties of Committee

The Committee may consider matters relating to the appropriation, the borrowing and the expenditure of money by the town and its indebtedness, and may make recommendations to

the town, to any town board, officer or committee relative to such matters.

Proposed bylaw with amendment (In bold):

501.05 Duties of committee

The Committee may consider matters relating to the appropriation, the borrowing and the expenditure of money by the town and its indebtedness, and may make recommendations to the town, to any town board, officer or committee relative to such matters.

Any such recommendation for expenditure of money by the town and its indebtedness made to the Town Meeting must be provided by mail or hand delivery to each Town Meeting member at least 48 hours in advance of the Town Meeting when such expenditure is to be considered. Town Meeting may waive this requirement for any single appropriation with a 9/10 vote of the quorum.

(Peter Manoogian)

Article 26. To see if the Town meeting will vote to establish a new bylaw, 517.00, that creates a permanent standing committee of the Town Meeting known as the Audit Committee.

517.00

Town Meeting will appoint an Audit Committee that shall consist of five town meeting members elected by a majority vote of the town meeting, for the duration of the town meeting term elected, at the first meeting following an election. Vacancies shall be filled in the manner of original selection.

Section 1 – Purpose

- increase public confidence and trust in the financial operations of town government.
- instill accountability, integrity, and efficiency in the financial operations of the Town of Saugus.
- support town government efforts to comply with those laws and regulations by which the town is governed.

Section 2 – Functions

The Audit Committee will:

- analyze and evaluate selected appropriations made by town meeting as determined by the committee or upon recommendation of the town meeting or on petition by any ten (10) members.
- view financial statements or transactions of the town financial offices.
- view annual financial statements of the town financial offices and the independent auditor's financial statements.
- view the efficacy of internal fiscal controls and encourage corrective action on those control or accounting issues identified in the independent auditor's "management letter".
- identify opportunities for cost and efficiency improvements.

non-budgeted and obtain essential copying and reproduction needs from the Town Manager of his/her designee.

Recruit and orient new members and encourages continued education of its members.

Utilize the Town Accountant as the liaison for information that the Committee needs to do its review and study work.

Issue at least one written annual report at least 48 hours prior to the commencement of the Annual Town Meeting. Said report shall also be posted on the town's website.

Section 3 – Qualifications

Professional training and/or experience in accounting, finance, law or general management is desired.

Any member of any board, commission or other committee of the town, whether elected or appointed, and no town employee or school employee, shall be a member of the audit committee.

Members shall be familiar with and maintain a familiarity with relevant state laws, regulations, and pending legislation that may impact the town.

(Peter Manoogian)

Article 27. To see if the Town will vote, pursuant to Massachusetts General Law C. 82 to accept Athens Drive (1426.14 linear feet) as shown on a plan of land entitled “Subdivision Plan of Land in Saugus”, prepared by John W. Parsons, Surveyor, dated December 19, 1956 and recorded as Land Court Plan Number 16764N; “Subdivision Plan of Land in Saugus”, prepared by John W. Parsons, Surveyor, dated November 8, 1957 and recorded as Land Court Plan Number 16764P; “Subdivision Plan of Land in Saugus”, prepared by John W. Parsons, Surveyor, dated March 24, 1958 and recorded as Land Court Plan Number 16764Q; “Subdivision Plan of Land in Saugus”, prepared by John W. Parsons, Surveyor, dated March 6, 1958 and recorded as Land Court Plan Number 16764R; “Subdivision Plan of Land in Saugus”, prepared by John W. Parsons, Surveyor, dated December 13, 1958 and recorded as Land Court Plan Number 16764s; “Subdivision Plan of Land in Saugus”, prepared by John W. Parsons, Surveyor, dated March 10, 1964 and recorded as Land Court Plan Number 16764T. (Town Manager)

Article 28. To see if the Town will vote, pursuant to Massachusetts General Law C.82 to accept Hickory Lane (367.40 linear feet) and Sycamore Lane (471.84 linear feet) as shown on a plan of land entitled “Definitive Subdivision Plan Juniper Drive, Sycamore Lane, Hickory Lane Saugus, Mass”, prepared for Saugus Home Builders, Inc., prepared by Carter & Towers Eng'r Corp, dated January 6, 1976 recorded in Plan book 138 Plan 55. (Town Manager)

Article 29. To see if the Town will vote, pursuant to Massachusetts General law C.82 to accept Hull Drive (959.61 linear feet) as shown on a plan of land entitled “Plan of Land in Saugus, prepared by Henry Seaver, Surveyor, dated October 15, 1959 and recorded as Land Court Plan Number 29867A. (Town Manager)

Article 30. To see if the Town will vote, pursuant to Massachusetts General Law C.82 to accept Laurine Road (1671.10 linear feet) as shown on a plan of land entitled “Plan of Land

in Saugus”, prepared by John W. Parsons, Surveyors, dated September 22, 1957 and recorded in Plan Book 90, Plan 60. (Town Manager)

Article 31. To see if the Town will vote, pursuant to Massachusetts General Law C.82 to accept Manter Court (334.23 linear feet) as shown on a plan of land entitled “Plan & Profile Manter Ct. Saugus, Mass.”, prepared by Carter & Towers Eng’r Corp, dated January 7, 1963 recorded in Plan book 99 Plan 87. (Town Manager)

Article 32. To see if the Town will vote, pursuant to Massachusetts General Law C.82 to accept Stillings Road (1334.48 linear feet) as shown on a plan of land entitled “Definitive Plan”, prepared by Otte & Dwyer, Inc., Land Surveyors, dated August 1974 recorded in Plan Book 132 Plan 92. (Town Manager)

Article 33. To see if the Town will vote, pursuant to Massachusetts General Law C.82 to accept Thistle Road (587.79 linear feet) as shown on a plan of land entitled “Definitive Plan Thistle Road Saugus, Mass.”, prepared by Hayes Engineering, Inc., dated July 17, 1981 recorded in Plan Book 177 Plan 78. (Town Manager)

Article 34. To see if the Town will vote to add the following new section to the Town of Saugus Charter:

ARTICLE 2

SECTION 35B. ANNUAL TOWN AUDIT

The Board of Selectmen will be responsible to hire the auditing firm to conduct the state mandated annual independent audit for the Town of Saugus.

As part of the process to procure services, the Selectmen should determine in advance the requirements and objectives of the audit along with monitoring the progress of the audit. The audit should have three (3) components including an opinion, followed by financial statements, and a separately provided management letter.

The results of the audit will immediately be provided to the Selectmen and the Town Manager. It will be the responsibility of the Town Manager to address any concerns raised by the audit in a timely manner.
(Board of Selectmen)

Article 35. To see if the Town will vote to accept the provisions of Massachusetts General Laws Section 34 of Chapter 176 of the Acts of 2011.

Section 34. Said section 20 of said Chapter 32, as so appearing, is hereby further amended by striking out subdivision (6) and inserting in place thereof the following subdivision:

(6) Retirement Board Members Compensation. – The elected and appointed members of a city, town, county, regional, district or authority retirement board upon the acceptance of the appropriate legislative body shall receive a stipend; provided, however, that the stipend shall not be less than \$3,000 per year and not more than \$4,500 per year; provided, further, that the

stipend shall be paid from funds under the control of the board as shall be determined by the commission; and provided, further, that an ex-officio member of a city, town, county, district or authority retirement board upon the acceptance of the appropriate legislative body shall receive a stipend of not more than \$4,500 per year in the aggregate of service rendered in the active administration of the retirement system. (Saugus Retirement Board)

Article 36. To see if the Town will vote to amend the General By-laws of the Town by adding the following as Section 516.00

A BY-LAW REGULATING THE SECURITY AND MAINTENANCE OF VACANT AND DILAPIDATED BUILDINGS.

use

The Town has found that vacant and dilapidated buildings are at a greater risk of deterioration, pest infestation, fire, criminal trespass, and violations of state and local building codes and sanitary codes. The purpose of this by-law is to assist the Town in protecting and preserving public health and safety of its residents by requiring that the Town be notified of these vacant and dilapidated buildings and to allow the Town to recover the costs associated with the monitoring and inspecting said properties.

itions

For purposes of this By-law:

“days” shall mean consecutive calendar days.

“property” shall mean any residential, commercial or mixed use real property or portion thereof, including but not limited to the land, structures and buildings thereon, located in the Town of Saugus.

“mortgagee” shall mean the creditor and/or lender in a mortgage agreement, including but not limited to any agent of the creditor and/or lender, service company, employee of the creditor and/or lender, or any successor-in-interest and or assignee of the rights, interests or obligations of said creditor and/or lender.

“notice” shall mean the sending of a letter via certified mail, return receipt requested, by the inspectional services Department to the Owner of a Property or to the address of the Property informing said Owner that said Property has been deemed Vacant and dilapidated. The date of Notice shall be deemed the date of the letter sent.

“vacant and Dilapidated” shall mean a building or structure on a Property that is not lawfully occupied and deemed in violation of relevant sanitary codes, building codes, state or local regulations or laws by the inspectional Services Department and as a result of said violation(s), has been deemed by the Inspectional Services Department to be a threat to the health and safety of the community.

owner" shall mean: every person, entity, service company, property manager of real estate broker who alone or severally with others (1) has legal or equitable title to any Property, or (2) has care, charge or control of any Property in any capacity, including but not limited to, agent, executor, executrix, administrator, administratrix, trustee, conservator or guardian of an estate or the holder of legal title, or (3) is a Mortgagee in possession of any such Property; or (4) is an agent, trustee, conservator, guardian, or other person appointed by the courts and vested with possession or control of any such Property; or (5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, this by-law shall not apply to a condominium association created pursuant to M.G.L. Chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or (6) every person who operates a rooming house or is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

Registration of Vacant and Dilapidated Property

Within forty-five (45) days after Notice by the Inspectional Services Department by certified mail return, receipt requested, that a Property has been deemed Vacant and Dilapidated by the Inspectional Services Department the Owner shall register the Vacant and Dilapidated Property with the Inspectional Services Department, on forms provided by the Inspectional Services Department, with the name, address and telephone number of each owner of the Property, the street address of the Property and the Assessor's map and lot number for the Property. The registration fee as set forth below shall accompany said registration.

If the Owner is not an address within the Commonwealth of Massachusetts, the registration shall also include the name, address, and telephone number of a person who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the Owner and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting public health, safety or welfare and of service of any and all notices issued pursuant to this by-law and other laws and regulations of the Commonwealth of Massachusetts and the Town of Saugus.

Failure to register a Vacant and Dilapidated Property in a timely fashion according to this by-law shall be a violation of this by-law.

Once the property is no longer Vacant and Dilapidated or is sold, the Owner must provide proof of sale or written notice of occupancy to the Inspectional Services Department.

Registration Fees

Within forty-five (45) days after Notice by the Inspectional Services Department that a Property has been deemed Vacant and Dilapidated by the Inspectional Services Department, Owner of such Vacant and Dilapidated Property shall, in addition to registering said Property, pay to the Inspectional Services Department a registration fee to cover the administrative costs of

monitoring such Vacant and Dilapidated Property in the amount of one hundred and fifty dollars (\$150). The initial fee and registration shall be valid for the remaining portion of the calendar year in which the registration was initially required. Initial Registrations occurring on or after July 1st of initial registration year shall be at a rate of 50% of the initial registration fee set forth above. Subsequent registrations and fees are due on the 1st day of January of each year thereafter according to the following schedule:

For Property Vacant and Dilapidated for:

less than one year:	\$250.00
one Year or more but less than two years:	\$500.00
two years or more:	\$1,000.00

g

on or before November 15th of each calendar year, the Town shall send a billing statement setting for the required registration fee to each Owner of a Vacant and Dilapidated Property.

Notwithstanding the foregoing, the registration fee set forth above shall be due and payable on or before January 1st of each year regardless of delivery or receipt of said billing statement.

Maintenance Requirement

Properties subject to this by-law must be maintained in accordance with all applicable sanitary codes, building codes and local by-laws and regulations.

All Vacant and Dilapidated Property must be locked and otherwise adequately secured, including but not limited to the repair and boarding up of any broken doors and windows, so as to prevent unauthorized access into the building and to maintain public health, safety, security and welfare of Town residents.

Adherence to this by-law shall not relieve the Owner of any other applicable obligations set forth in local by-laws or regulations, covenant conditions and restrictions, or homeowner's association rules and regulations. The provisions of this by-law are in addition to, and not in lieu of, any and all other applicable federal, state and local laws and regulations.

In addition to the remedies provided herein, the failure to maintain and secure Vacant and Dilapidated Properties adequately may result in direct action by the town in accordance with Massachusetts General Laws Chapter 111, Massachusetts General Laws, Chapter 139, Massachusetts General Laws Chapter 143, Massachusetts General Laws Chapter 148 and other applicable provisions of law and regulations. Such actions may include, but are not limited to the following: removal, abatement, destruction, prevention of conditions deemed to constitute nuisances, sources of filth or causes of sickness; demolition, removal repair, and/or cleaning of any structure which fails to comply with standards of habitability or other applicable laws or regulations so as to endanger or materially impair the health or well-being of the public; and, obtaining court-ordered warrants, injunctive relief, and orders of abatement.

accordance with applicable law and regulation all costs incurred by the town in taking action pursuant to this paragraph or this by-law shall constitute a debt to the Town and a lien upon the Property in questions.

ctions

e Inspectional Services Department shall have the authority and the duty to inspect Property subject to this by-law for compliance and to issue Notice and citations for any violations. The Inspectional Services Department shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this section is enforced.

nyone with information regarding potential Vacant and Dilapidated Property may notify the Inspectional Services Department with said information so that the Inspectional Services Department may conduct inspections in accordance with the preceding paragraph.

ecement and Penalties

ilure to initially register with the Inspectional Services Department is punishable by a fine of three hundred dollars (\$300.00).

ilure to maintain the Property pursuant to the Maintenance Requirements of this by-law is punishable by a fine of up to three hundred dollars (\$300.00) for each month and the Property is not adequately maintained.

al

ry owner assessed a registration fee under this by-law shall have the right to appeal the imposition of such fee to the Saugus Board of Health upon the filing of an application in writing no later than fifteen days after mailing of the billing statement under appeal. Said appeal request shall be accompanied by a non-refundable fifty dollar (\$50.00) filing fee. Said appeal shall be limited to how long the property has been vacant and dilapidated. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision is adverse to the Owner, the payment shall be due within ten (10) calendar days after issuance of the decision of the Board of Health.

ability

any provisions of this by-law is declared invalid or unenforceable, the remaining provisions herein shall not be affected and shall remain in full force and effect.

(Affordable Housing Trust and Board of Health by-law Subcommittee)

Article 37. To see if the Town will vote to appropriate a sum of money for Belmonte Middle School Asbestos abatement, including the payments of costs incidental or related thereto; to

determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (BMS-MSBA Building Committee)

Article 38. To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for additional remodeling at the Belmonte Middle School in Saugus, Massachusetts, including the payment of costs incidental or related thereto (collectively, the "Projects"), which proposed repair projects would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Projects shall not exceed the lesser of (1) a percentage of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA. (BMS-MSBA Building Committee)

Article 39. To see if the Saugus Town Meeting will vote to request either the existing town meeting charter study committee or to establish a new five person charter study committee of at least three town meeting members, one selectman and one citizen at large to develop a proposal to amend the charter to establish staggered elections, for the at large offices of selectman and school committee, so that no such term shall exceed three years.

Said committee shall consider other staggered formats in other Massachusetts Communities that use a representative town meeting form of government.

The proposal of the committee shall preferably be before the Saugus Town Meeting in the form of an article before but no later than the Annual 2013 town Meeting. Any such proposal adopted by a subsequent town meeting and submitted to the legislature and the governor for enactment must be approved by a majority vote of Saugus voters at the next occurring town election and implemented subsequent to said election. (Peter Manoogian)

Article 40. To see if the Saugus Town meeting will vote to establish a new by-law, 306.05:

306.05. Sick Leave Buy Back and Accrued Vacation Time Buy Back

Notwithstanding any current collective bargaining agreement or employee agreement currently in effect, any person hired by the town of Saugus after the date of enactment of this by-law shall not receive compensation, upon termination, retirement, or resignation, for unused sick days, personal days, or vacation days. (Peter Manoogian)

Article 41. To see if the Town will vote to declare abandonment of the private road at the rear of the East Saugus United Methodist Church and 6 Winter Street. The private road was used by the Saugus General Hospital for deliveries and maintenance. The hospital is now defunct and there is no need for the private way. (William Stewart)

Article 42. 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 for the cemetery department, to determine whether this appropriation shall be raised by borrowing or otherwise, or to take any other action relative thereto. (Cemetery Commission)

Article 43. To see if the Town will vote to amend the Town's By-laws as follows:

602.17

Any person found in the act of violating the following sub-sections: 601.02, 601.12, 602.03, 602.05, 602.06, 602.07, 602.09, 602.10, 602.12, 602.13, 602.15 and 602.19 of this section may be arrested without a warrant by any officer authorized to serve criminal process.

Violations of the sections numbered in this provision shall be punishable by a fine of not more than fifty dollars (\$50.00).

In addition, any person found in the act of violating the above mentioned sub-sections, as well as the following sub-sections: 601.01, 601.02 sections A and C, 601.07, 601.08, 601.11, 601.13, 601.14, 601.15, 602.02, 602.04, 602.11, 602.14, 602.16 and 602.18 may be penalized by indictment or complaint brought in the District Court or penalized by a non-criminal disposition as provided in the General Laws, Chapter 40 Section 21D, by any police officer.

The penalty for violations of the above mentioned subsections, unless otherwise specified, shall be \$50.00 for each offense.

602.23 Public consumption of marijuana or Tetrahydrocannabinol

No person shall smoke, ingest, or otherwise use or consume Marijuana or tetrahydrocannabinol (as defined in G.L. C. 94C.S.1, as amended) while in or upon any street, sidewalk, public way, way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building or property, school, school grounds, cemetery, parking lot, or any area owned or under the control of the Town of Saugus; or in or upon any bus or other passenger conveyance operated by a common carrier; or in or upon any place where the public has the right of access as invitees or licensees;

This By-law may be enforced through any lawful means in law or in equity including but not limited to enforcement by noncriminal disposition pursuant to M.G.L. Chapter 40 Section 21D, by any police officer.

The fine for violation of this By-law shall be one hundred dollars (\$100) for each offense.

Any penalty imposed under this By-law shall be in addition to a civil penalty imposed under M.G.L. Chapter 90 Section 94C. (Domenic DiMella, Chief of Police)

Article 44. To see if the Town will vote to amend the Town of Saugus Zoning By-laws and Maps, required by Federal Emergency Management Agency (FEMA) as follows:

(Double Underlined = Added

Single Underlined = Deleted)

Section 4.6 – FLOOD PLAIN DISTRICTS. Lands in Saugus that are subject to seasonable and periodic flooding that must be developed, preserved, and maintained to assure the natural flow of watercourses. These are made up of the following categories:

FLOOD PLAIN DISTRICT – Lands that are shown as Floodway on the FEMA Flood boundary and Floodway Map dated January 19, 1983, as amended; and lands shown as Flood Plain on the official Zoning Map of the Town of Saugus, as amended.

Section 4.6.A The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Saugus designated as Zone A or AE on the Essex County Flood Insurance Rate map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the Administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Saugus are panel numbers 25009C0393F, 25009C0394F, 25009C0506F, 25009C0507F, 25009C0508F, 25009C0509F, 25009C0517F, 25009C0526F, 25009C0528F, 25009C0529F, and 25009C0536F, dated July 3, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Inspector.

FLOOD PLAIN – FRINGE – Lands in Saugus Shown as Zones A. A-2. A-3. A-4. A-7 and A-9 on the Town of Saugus Flood Insurance Rate map dated January 19, 1983, as amended, except for those that are included in the Flood Plain District as defined in SECTION 4.6A above. All maps shall be on file with the town Clerk, Building Inspector and Planning board. The Flood Plain Districts shall be considered as overlying other district zoning. Refer to Article XII for Special Permit requirements.

Section 6.5 – BUILDINGS IN FLOOD PLAIN DISTRICTS.

6.5.1 – REFERENCE TO EXISTING REGULATIONS (currently 780 CMR).

The Flood Plain District is established as an overlay district to all other districts. All Development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws, Article 24, Saugus Wetlands Protection Bylaw, and with the following:

ction of the Massachusetts State Building code that addresses floodplain and coastal high Hazard areas (currently 780 CMR 2102.0, “Flood Resistant Construction”);
etlands Protection regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
and Wetlands Restrictions, DEP (currently 302 CMR 6.00); (currently 310 CMR 13.00)
astal Wetlands Restriction, DEP (currently 302 CMR 4.00); (currently 310 CMR 12.00)
imum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

ly variances from the provisions and requirements of the above referenced state regulations and/or special permits may only be granted in accordance with the required variance and/or Special Permit procedures of these state regulations.

6.5.2 – In the floodway, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional Engineer is provided by the applicant demonstrating that such encroachments shall not result in any increase in base flood water surface elevations or base flood mean velocities (feet per second). Refer to Table 3, Floodway Data and Town of Saugus Flood Insurance Study and the Town of Saugus Essex County Flood Insurance Study and the Essex County Flood Insurance Rate Maps for base flood water surface elevations and base flood mean velocities. Such certification shall be supported by accompanying documentation showing the method by which such finding was arrived at. Such documentation shall be certified as to its accuracy and appropriateness of methodology.

6.5.3. – BASE FLOOD ELEVATION AND FLOODWAY DATA

FLOODWAY DATA. In Zones A, A1-30, and AE, along watercourses that have not had a Regulatory floodway designated, the best available Federal, State, local or other floodway Data shall be used to prohibit encroachments in floodways that would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

BASE FLOOD ELEVATION DATA. Base flood elevation data is required for subdivision proposals or other developments greater than 10 lots or 1 acre, whichever is the lesser, within unnumbered A zones.

6.5.4 – NOTIFICATION OF WATERCOURSE ALTERATION. Notify, in a riverine situation, the following of any alteration or relocation of a watercourse: (1) Adjacent Communities, (2) NFIP State Coordinator, Massachusetts Office of Water Resources, 100 Cambridge Street, Boston, MA 02202, and (3) NFIP Program Specialist, FEMA Region I, Rm. 462, J.W. McCormack Post Office & Courthouse, Boston, MA 02109

NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600 – 700
Boston, MA 02114 -2104

NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

6.5.5. Other Use Regulations – All subdivision proposals must be designed to assure that:

ch proposals minimize flood damage;
l public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

adequate drainage is provided to reduce exposure to flood hazards.

Section F. Permitted Uses. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

agricultural uses such as farming, grazing, truck farming, horticulture, etc.

restroom and nursery uses.

indoor recreational uses, including fishing, boating, play areas, etc.

conservation of water, plants, wildlife.

wildlife management areas, foot, bicycle, and/or horse paths.

temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

buildings lawfully existing prior to the adoption of these provisions.

DEFINITIONS:

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining dredging, filling, grading, paving, excavation or drilling operations.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement

or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE HUNDRED-YEAR FLOOD – see BASE FLOOD.

REGULATORY FLOODWAY – see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area with the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.

ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE X is areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps. (Conservation Commission)

Article 45. To see if the Town will vote to amend the Town’s Zoning Map and Zoning Bylaw by rezoning Lot A-188 on Assessors Plan 1025 from B-3 Business Special to R-2 Single Family Residential. The property is located at 10 Lynn Fells Parkway. (Richard Magnan)

Article 46. To see if the Town will vote to amend the Town of Saugus Zoning Bylaws to include Wind Energy Large Scale Conversion Facilities as follows:

Article XVI – Wind Energy Large Scale Conversion Facilities

16.1) PURPOSE

The purpose of this by-law is to provide alternative renewable energy for residences and business owners of the Town of Saugus and to establish a district in which wind energy conversion facilities may be provided with minimal harm to public health, safety, welfare and to minimize impacts on scenic, natural, and historic resources of the Town.

16.2) APPLICABILITY

Description of Areas included in the Wind Energy Conversion Facility District:

e Wind Energy Conversion Facility District shall include all land owned by the Town of Saugus that is held in the care, custody, management and control of the Board of Selectmen or Town Manager and all land located in B-2, B-3, I, I-1 and I-2 districts.

e Wind Energy Conversion Facility District shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

16.3) DEFINITIONS

Height: The height of a turbine measured to the tip of the blade at its highest point.

Special Permit Granting Authority: Board of Selectmen (S-2 permit) required, along with any other board designated by zoning ordinance or bylaw with the authority to issue special permits.

Size: The large scale turbines are defined as 100 kW – 2MW

Wind Energy Conversion Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection, and supply equipment, substations, transformers, site success, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

Wind Monitoring or Meteorological (“test” or “met”) Tower: Towers used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground.

Wind Turbine: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft.

16.4) USE RESTRICTIONS

WIND MONITORING OR METEOROLOGICAL TOWERS

A wind monitoring or meteorological (“test” or “met”) tower may be erected in a Wind Energy Conversion Facility District upon the issuance of a special permit by the Board of Selectmen if on Town property and subject to all the following conditions:

The tower shall be set back a minimum distance of at least 1.5 times the overall height of the tower from the nearest property line.

Any proposed extension in height, additions or replacement of the tower, shall be subject to a new application for an amendment to the existing special permit by the Board of Selectmen. The tower shall not be erected within (300) feet of a residential lot line.

Planting, screening, buffer zones and the preservation of existing vegetation shall be considered during the application process.

Time Limit – A wind monitoring or meteorological tower is a temporary structure. Depending on the project and the purposes of the data acquisition, the tower will be limited to three (3) years once the construction has commenced. The Board of Selectmen reserve the right to require a shorter period of time.

Within ninety (90) days of permit expiration, the tower shall be dismantled and removed at the owner’s expense. The site must be restored to its natural state or the state which it was legally authorized for use. If the owner fails to remove the tower, the Town of Saugus shall have the authority to enter the property and physically remove the facility. The Board of Selectmen may require the owner to provide a security bond to cover the cost of removal in the event the town must remove the tower.

16.5) USE RESTRICTIONS

WIND ENERGY CONVERSION FACILITY

A wind energy conversion facility may be erected in a Wind Energy Conversion Facility District upon the issuance of a special permit by the Board of Selectmen pursuant to Article V and subject to all of the following conditions:

The wind facility shall be set back a minimum distance of at least 1.5 times the overall height of the tower from the nearest property line.

Minimum setback requirements shall not apply if the proposed turbine is located adjacent to wetlands or otherwise undeveloped land subject to the review and approval of the Board of Selectmen and the land owner as applicable.

The wind facility should not exceed FAA height restrictions when applicable.

Any proposed extension in height, additions or replacement of the tower, shall be subject to a new application for an amendment to the existing special permit by the Board of Selectmen. The wind facility shall not be erected within (300) feet of a residential lot line.

Planting, screening, buffer zones and the preservation of existing vegetation shall be considered during the application process.

The wind facility shall be a neutral, non-reflective exterior color designed to blend with the surrounding environment. The color selected will be reviewed by the Board of Selectmen and determined if it is appropriate for the specific site.

Advertising or signage should be apparent on the wind facility unless it is a requirement of investors who provide funding for the project or as part of a business. The advertising/signage will be reviewed by the Board of Appeals to determine if it adheres to the Town’s zoning bylaw for advertising as described in Article VII – Regulations of Advertising Signs and Billboards.

the wind facility should adhere to lighting requirements if deemed appropriate by the Federal Aviation Association (based upon structure's height and distance from airport).

the wind facility shall be sited with a flicker shadow impact report if required by state and federal regulations and should not exceed 30 hours.

the wind facility shall be sited in accordance with the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 Code of Massachusetts Regulations 7.10). A minimum of an acoustic study report shall be submitted if required by state and federal regulations. This may be subject to stricter guidelines as determined by the Board of Selectmen.

the applicant is responsible for utility connections in compliance with the utility provider and should not be utilized as a cell tower.

the applicant shall maintain the wind facility in good condition which should include, but not be limited to painting, structural repairs, and integrity of security measures.

there shall be a minimum of one (1) parking space for each tower location, to be used in connection with the maintenance of the tower and the site, and not to be used for the permanent storage of vehicles.

within 150 days of abandonment or the proposed date of decommissioning, the facility must be removed at the owner's expense. The wind facility site must be restored to its natural state or the state which it was legally authorized for use. If the owner fails to remove the wind facility, the Town of Saugus shall have the authority to enter the property and physically remove the facility. The Board of Selectmen may require the owner to provide a security bond to cover the cost of removal in the event the town must remove the facility.

16.6) PROCEDURE FOR A SPECIAL PERMIT

All applications for a Wind Monitoring or Meteorological Tower and a Wind Energy Conversion Facility shall be made and filed on the application forms for special permit in compliance with the Saugus Board of Selectmen application instructions. Five copies of the following information, prepared by a professional engineer, must be submitted for an application to be considered complete.

locus plan at a scale of (1" = 200') that shall show all property lines, the exact location of the proposed structure (s), streets, landscape features, residential dwellings and neighborhoods and all buildings within (500) feet of the tower and/or facility.

color photograph or rendition of the tower and/or wind facility including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.

description of the tower and/or wind facility along with any technical, economic and other reasons for the proposed location, height and design.

information that the tower and/or wind facility complies with State and Federal standards including flicker and acoustic studies.

information that the tower and/or wind facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

the applicable review and advertising fees as noted in the application guidelines.

(Alternative Energy Committee)

