

Annual Town Meeting Minutes
May 6, 2019
1st Session

Town Moderator Steve Doherty, called the Annual Town Meeting and Special Town Meeting to order on May 6, 2019 at 7:30 p.m. in the Town Hall Auditorium, 298 Central Street, Saugus, MA with 45 members present. A quorum was met.

Color Guard from Lynn English Junior ROTC presented the colors at 7:32pm

Joyce Rodenhiser from precinct 1 and Peter Rossetti from precinct 2 were appointed and sworn in as tellers at 7:32 p.m.

Pastor Bob Laroe will give the Blessing at 7:35pm

Moderator Comments: There is Special Town Meeting within the Annual Town Meeting tonight. Do I have a motion to suspend the Annual Town Meeting to take up the Special Town Meeting?

Any discussion - none.

Seconded at 7:37pm

Unanimous vote yes at 7:37pm

Call to Order

Motion made to re-open Annual Town Meeting at 8:31pm.

Seconded at 8:32pm.

Town Clerk, Ellen Schena, called the roll at 8:34 p.m.

Town Meeting Member name	Present/ Absent	Town Meeting Member name	Present/ Absent	Town Meeting Member name	Present/ Absent
BARTOLO, J.	P	BRAZIS, K	A	BROWN, W.	P
CAMUSO, R	P	CANTERBURY, M	P	CICOLINI, J.	P
COBURN, J.	P	CONNORS, A.	A	COSTELLO, M.	P
COTTAM, J.	P	CURRIE, K.	P	DEVLIN, F.A.	P
DIGIROLAMO	P	DINARDO, A.	P	DIVIRGILIO, S.	P
DOHERTY, S.	P	DUNN, S.	P	FALASCA, T.	P
FISHER, R.	P	FOWLER, J.	P	GOODWIN, P.	P
GROARK, L.	P	HORLICK, S.	P	JONES, C.	P
KELLY, D.	P	LAVOIE, R.	P	LEUCI, W.	A
LOPRESTI, A.	A	MARCHAND, W.	P	MCCABE, K.	P
MCCARTHY, S.	A	MORESCHI, C.	P	NICKOLAS, G.	P
PAOLINI, M.	P	POLITANO, K.	A	PRIZIO, P	A
RANDO, P	P	RODENHISER, J.	P	ROSSETTI, P.	P
SERINO, M.	P	SPENCER, B.	P	STEWART, W.	P
SWEEZEY, S.	P	TRAVERSE, T.	P	THOMPSON, R.	P
WALLACE, R.	P	WHITCOMB, M.	P	WHYTE, C.	P
WITTEN, R.	P	WORTHLEY, J.	P		

42 Members present + Moderator, a quorum is met.

Reports from Committees; Finance Committee Report at 7:39p.m.

Ken DePatto from Finance Committee at 8:34pm speaks on the articles stating most were recommended and 4 of the Articles were Indefinite Postponed. Housing Authority’s article on reimbursement was Indefinite Postponed. There are 2 Articles from Ann Devlin Precinct 1 on Bylaw changes concerning plastics. The Finance Committee knows that the State Legislature is coming up for something for the entire state and the town should wait to see what they do. The Finance Committee voted to Indefinite Postpone but will not object if it comes again across the next Town Meeting if the state doesn’t do something.

Any other committees NONE

No recommendation from the Finance Committee on Article 2 Budget.

Motion to take Articles 3 & 4 out of order.

Seconded at 8:37pm

Unanimous Voice Vote Yes at 8:38pm

As a courtesy to the Finance Committee, Mr. Jones moves Article 3 to the floor for consideration as recommended.

Seconded at 8:38.p.m.

Article as written:

Article 3. To see if the Town will vote to make supplementary appropriations to be used 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)

Bill Brown Precinct 6 speaks at 8:38pm asks what the supplementary appropriation is (typical). What are we using the appropriation money for?

Town Manager answers at 8:39pm that a spreadsheet from the Treasury and Town Accountant was laid out for your review on what expenditures we have in each account. When the town ends in the fiscal year they have to end in the black. This is transfers to what expenditures we have so it is not in the negative under the Municipal Finance Law. A lot of the money (\$500,000.00) goes to the snow and ice deficit. The DOR allows you to carry over a “legal” deficit for snow and ice only but with not with anything else in the budget.

Call for the question at 8:42pm

Article as voted: Voted to recommend the Town make supplementary appropriations in the amount of \$1,065,378.33. The source of funding is \$516,000.00 from interdepartmental transfers and \$549,378.33 from free cash.

Article 3 passed as recommended, by unanimous voice vote at 8:43p.m.

As a courtesy to the Finance Committee, Mr. Jones moves Article 4 to the floor for consideration as recommended.
Seconded at 8:43 p.m.

Article as written:

Article 4. To see if the Town will vote to make supplementary appropriations to be used in conjunction with the money appropriated under Article 6 of the 2018 Annual Town Meeting during the current fiscal year. (Town Manager)

Discussion: None

Article as voted: Voted to recommend the Town make supplementary appropriations in the amount of \$7,500.00 to be used in conjunction with the money appropriated under Article 6 of the 2018 Annual Town Meeting during the current fiscal year. The source of funding is a transfer from Water Enterprise Fund Expenses to Water Enterprise Fund Salaries.

Call for the question at 8:44pm

Article 4 passed as recommended, by unanimous voice vote at 8:44p.m

As a courtesy to the Finance Committee, Mr. Jones moves Article 4 to the floor for consideration as recommended.
Seconded at 8:45 p.m.

Article as written:

Article 5. To see if the Town will vote to make supplementary appropriations to be used in conjunction with the money appropriated under Article 7 of the 2018 Annual Town Meeting during the current fiscal year. (Town Manager)

Discussion: None

Article as voted: Voted to recommend the Town make supplementary appropriations in the amount of \$10,000.00 to be used in conjunction with the money appropriated under Article 7 of the 2018 Annual Town Meeting during the current fiscal year. The source of funding is a transfer from Sewer Enterprise Fund Expenses to Sewer Enterprise Fund Salaries.

Call for the question at 8:45pm

Article 5 passed as recommended, by unanimous voice vote at 8:45p.m

No recommendations from the Finance Commission for Articles 6, 7, 8 and 9.
Move to take Article 10 out of sequence at 8:45pm
Seconded at 8:46pm
Unanimous voice vote yes to move to Article 10

As a courtesy to the Finance Committee, Mr. Jones moves Article 10 to the floor for consideration as recommended.
Seconded at 8:46pm.

Article as written:

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding unpaid bills of a prior fiscal year. (Town Manager)

Discussion: None

Article as voted: Voted to recommend the appropriation of \$17,033.01 to fund unpaid bills of the prior fiscal year. The source of funding is as follows: Fiscal Year 2018 carry over of the general fund in the amount of: \$10,087.69 and the water enterprise fund in the amount of \$1,616.50 and July 1, 2018 certified free cash in the amount of \$5,328.82.

Call for the vote at 8:47pm

Article 10 passed as recommended, by unanimous voice vote at 8:47pm.

As a courtesy to the Finance Committee, Mr. Jones moves Article 11 to the floor for consideration as recommended.

Seconded at 8:48p.m.

Article as written:

Article 11: To see if the Town will vote to recommend authorizing 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 for the purpose of designing and constructing improvements to the water pipelines or to take any other action relative thereto. (Town Manager)

Martin Costello Precinct 11 speaks at 8:48pm asking is this funding used for the work you see in the town especially Cliftondale Square that is currently going on? Is that where this money is used for this work?

Town Manager answers at 8:49pm only certain types of water pipes and materials comes under this specific programs. You may see some around town work going on in cleaning the pipes and not replacing them.

Article as voted: Voted to recommend authorizing the Treasurer with the approval of the Board of Selectmen, to borrow \$1,937,600.00 at 0% interest from the MWRA Local Pipeline Assistance Program for the purpose of designing and constructing improvements to the water pipelines or to take any other action relative thereto.

Call for the vote at 8:50pm.

Article 11 passed as recommended, by unanimous voice vote at 8:50p.m.

No recommendations from the Finance Commission for Articles 12, 13 and 14.

Move to take Article 15, 16 & 17 out of sequence at 8:51pm

Seconded at 8:51pm

Unanimous voice vote yes to move to Article 15, 16 & 17

As a courtesy to the Finance Committee, Mr. Jones moves Article 15 to the floor for consideration as recommended.

Seconded at 8:52p.m.

Article as written:

Article 15: To see if the Town of Saugus will vote to approve a new by-law by adopting a General Bylaw entitled "Plastic Bag Reduction Bylaw". The general purpose and intent of this bylaw is to protect the Town's unique natural beauty and its water and natural resources by eliminating single use plastic check-out bags that are distributed in the Town of Saugus and to promote the use of reusable bags. (Ann Devlin, President, Saugus Action Volunteers for the Environment)

Recommendation: Voted to recommend Indefinite Postponement.

This presented by F. Ann Devlin Precinct 1

Ann Devlin speaks at 8:52pm with power point presentation on what the plastic bags does to our environment.

Joyce Rodenhiser Precinct 1 speaks at 9:01pm direct Town Meeting to look at page 52 of the budget which is the budget for waste collection and disposal, which if this could chop a little off of that budget it wouldn't hurt.

Ryan Fischer Precinct 9 speaks at 9:02pm supporting this article very much. The State will be looking at this but if we get a head of this great and build support for the State. This is not something that will be difficult for businesses who seem to be using more recycling take out containers.

Debra Panetta Board of Selectmen Chairman speaks at 9:03pm she is talking has part of the Saugus Water Council and is in favor of this article. Please do not IP this article.

Tom Falasca Precinct 2 speaks at 9:04pm is there exemptions for this? He does support this article but needs some exemptions in there.

Pam Goodwin Precinct 5 speaks at 9:04pm in support of this article and to not IP. Countries and island are rejecting plastic bags because they are coming to realize the destructive force plastic bags can be for the environment.

Ann Devlin Precinct 1 speaks 9:06pm at about the exemptions on some plastic bags like a bag of hot dogs and the dog waste bags. Talking about the single use plastic bags.

Matthew Canterbury, Precinct 6 speaks at 9:07pm is very broad. Is there any verbiage on this? What are the details? What Departments will be enforcing this?

Ann Devlin Precinct Precinct 1 speaks 9:08pm that it just those plastic carry bags (store plastic bags).

Matthew Canterbury Precinct 6 speaks at 9:08pm re-asking the above questions.

Ann Devlin Precinct 1 speaks at 9:10pm that the enforcement will be the Board of Health and the fee schedule. There is a full write up on the Warrant.

Steve Divirgilio Precinct 10 speaks at 9:11pm thinks plastic bags are very convenient. He doesn't see a crisis with plastic bags.

He finds it hard to believe Resco will burn less trash. He doesn’t think this ban will improve his quality of life or anyone else. Waste disposal budget could go up? Is this any data that will support this article?

Kelly Slater, 74 Hurd Avenue speaks at 9:14pm that knows some towns that have passed the ban on single use plastic bags many cases have stores sell reusable bags as little as 10 cents. She is willing to suffer any inconvenience. She is in support of this article.

Rick Lavoie Precinct 7 speaks at 9:15pm is in support of this article.

Substitute Motion to refer to the next Special Town Meeting at 9:17pm

Town Moderator explains to Town Meeting that the first vote on the Finance Committees recommendation, if it fails then a vote on the substitute motion, if that fails then a vote on the original article as written.

Steve Sweezey Precinct 2 speaks at 9:18pm on who will enforce it and the fines attached?

Steve Doherty Town Moderator reads then entire Article 15 to Town Meeting as presented in the Warrant at 9:19pm.

Mike Serino Precinct 10 speaks at 9:24pm speaks in support of this article.

Ron Witten Precinct 1 speaks at 9:26pm is in support of the article but we represent the citizens of Saugus and he believes that the Saugus citizens doesn’t know what this article does. This should be put to the voters and put on a ballot for them to decide. They should have a vote on the article.

Bill Brown Precinct 6 speaks at 9:27pm asking question on the recommendation itself? Since this wasn’t a finance article?

Steve Doherty, Town Moderator explains the motion(s) on the floor.

Ken DePatto, Finance Committee Chairman speaks on 9:31pm explaining why the Finance Committee makes recommendations on any article that has a monetary fine or penalty that must be enforced. Any money taken into the town must be appropriated to be spent.

Roll Call vote taken on Finance Committee recommendation to Indefinite Postponement of the Article at 9:33pm.

Town Meeting Member name	YEA/ NAY	Town Meeting Member name	YEA/ NAY	Town Meeting Member name	YEA/ NAY
BARTOLO, J.	N	BRAZIS, K	A	BROWN, W.	N
CAMUSO, R	Y	CANTERBURY, M	Y	CICOLINI, J.	N
COBURN, J.	Y	CONNORS, A.	A	COSTELLO, M.	N
COTTAM, J.	A	CURRIE, K.	N	DEVLIN, F.A.	N
DIGIROLAMO	N	DINARDO, A.	N	DIVIRGILIO, S.	Y
DOHERTY, S.		DUNN, S.	N	FALASCA, T.	Y
FISHER, R.	N	FOWLER, J.	Y	GOODWIN, P.	N
GROARK, L.	N	HORLICK, S.	N	JONES, C.	Y
KELLY, D.	N	LAVOIE, R.	N	LEUCI, W.	A
LOPRESTI, A.	A	MARCHAND, W.	Y	MCCABE, K.	N
MCCARTHY, S.	A	MORESCHI, C.	N	NICKOLAS, G.	N
PAOLINI, M.	Y	POLITANO, K.	A	PRIZIO, P	A
RANDO, P	N	RODENHISER, J.	N	ROSSETTI, P.	Y
SERINO, M.	N	SPENCER, B.	N	STEWART, W.	N
SWEEZEY, S.	Y	TRAVERSE, T.	N	THOMPSON, R.	Y
WALLACE, R.	N	WHITCOMB, M.	N	WHYTE, C.	N
WITTEN, R.	Y	WORTHLEY, J.	N		

Yeas 13, Nays 28 Abst 8. The recommendation fails.

The Town Moderator informs Town Meeting that the substitute motion has been withdrawn by the maker at 9:36pm. Town meeting members asking why it was withdrawn and if so doesn’t it have to be seconded? Town Moderator discusses with Town Counsel about the withdrawn motion.

Town Moderator indicates that a new substitute motion at 9:39pm from Tom Falsaca Precinct 2 to “Refer the Article back to the Maker”.

Seconded 9:39pm.

Town Moderator discusses with Town Counsel on the new motion.

Any Discussion – None

Roll Call vote at 9:40pm

Town Meeting Member name	YEA/ NAY	Town Meeting Member name	YEA/ NAY	Town Meeting Member name	YEA/ NAY
BARTOLO, J.	N	BRAZIS, K	A	BROWN, W.	Y

CAMUSO, R	Y	CANTERBURY, M	Y	CICOLINI, J.	N
COBURN, J.	Y	CONNORS, A.	A	COSTELLO, M.	N
COTTAM, J.	A	CURRIE, K.	N	DEVLIN, F.A.	N
DIGIROLAMO	N	DINARDO, A.	N	DIVIRGILIO, S.	Y
DOHERTY, S.		DUNN, S.	N	FALASCA, T.	Y
FISHER, R.	N	FOWLER, J.	Y	GOODWIN, P.	N
GROARK, L.	N	HORLICK, S.	N	JONES, C.	Y
KELLY, D.	N	LAVOIE, R.	N	LEUCI, W.	A
LOPRESTI, A.	A	MARCHAND, W.	Y	MCCABE, K.	Y
MCCARTHY, S.	A	MORESCHI, C.	Y	NICKOLAS, G.	N
PAOLINI, M.	Y	POLITANO, K.	A	PRIZIO, P	A
RANDO, P	N	RODENHISER, J.	N	ROSSETTI, P.	Y
SERINO, M.	N	SPENCER, B.	N	STEWART, W.	N
SWEEZEY, S.	Y	TRAVERSE, T.	N	THOMPSON, R.	Y
WALLACE, R.	N	WHITCOMB, M.	N	WHYTE, C.	N
WITTEN, R.	Y	WORTHLEY, J.	N		

Yeas 15, Naes 25 motion failed.

Article 15 voted on as written at 9:43pm

Article as voted: To see of the Town of Saugus will vote to approve a new by-law by adopting a General Bylaw entitled “Plastic Bag Reduction Bylaw”. The general purpose and intent of this bylaw is to protect the Town’s unique natural beauty and its water and natural resources by eliminating single use plastic check-out bags that are distributed in the Town of Saugus and to promote the use of reusable bags.

Proposed Bylaw:

Section 1. Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including , but not limited to: contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities, increasing the amount of plastic that is incinerated in Saugus; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the Town’s unique natural beauty and its water and natural resources by eliminating single-use plastic check-out bags that are distributed in the Town of Saugus and to promote the use of reusable bags.

Section 2. Definitions:

2.1 Checkout bag means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

2.2 Grocery Store means a retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

2.3 Retail Store means any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

2.4 Reusable checkout bags means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.

2.5 Thin-film single-use plastic bags are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said is less than 4.0 mils in thickness.

2.6 Recyclable paper bag means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

2.7 This bylaw shall be known as the Plastic Bag Reduction Bylaw.

Section 3. Use Regulations:

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store or grocery store within the Town of Saugus.

3.2 If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags.

3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

Section 4. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2020, whichever is later. Upon application of the owner or the owner’s representative, the Board of Health may exempt a retail store from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Health that 1) the requirements of this section would cause undue hardship; or 2) a retail store requires additional time in order to draw down an existing inventory of checkout bags.

Section 5. Enforcement

5.1 Enforcement of this bylaw shall be responsibility of the Board of Health or its Agent. The Board of Health shall determine the monitoring process to be followed, which may be limited to responding to citizen reports and/or incorporating the process into other town duties as appropriate.

5.2 Any retail or grocery store distributing plastic checkout bags in violation of this bylaw shall be subject to a noncriminal disposition fine as specified below. Any such fines shall be paid to the Town of Saugus.

Violation of the Plastic Bag reduction Bylaw

1) Penalty: First Offense – Warning; Second Offense - \$50 per day; Third an each subsequent offense - \$100 per day.

2) Enforcing persons; Board of Health Agent.

Section 6. Severability

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

Non-substantive changes to the numbering of this bylaw may be permitted in order that it be in compliance with the numbering format of the Town of Saugus Bylaws, or take any other action related thereto.

Roll Call vote at 9:43pm

Town Meeting Member name	YEA/ NAY	Town Meeting Member name	YEA/ NAY	Town Meeting Member name	YEA/ NAY
BARTOLO, J.	Y	BRAZIS, K	A	BROWN, W.	Y
CAMUSO, R	N	CANTERBURY, M	N	CICOLINI, J.	Y
COBURN, J.	N	CONNORS, A.	A	COSTELLO, M.	Y
COTTAM, J.	A	CURRIE, K.	Y	DEVLIN, F.A.	Y
DIGIROLAMO	Y	DINARDO, A.	Y	DIVIRGILIO, S.	N
DOHERTY, S.		DUNN, S.	Y	FALASCA, T.	N
FISHER, R.	Y	FOWLER, J.	N	GOODWIN, P.	Y
GROARK, L.	Y	HORLICK, S.	Y	JONES, C.	N
KELLY, D.	Y	LAVOIE, R.	Y	LEUCI, W.	A
LOPRESTI, A.	A	MARCHAND, W.	N	MCCABE, K.	Y
MCCARTHY, S.	A	MORESCHI, C.	N	NICKOLAS, G.	Y
PAOLINI, M.	N	POLITANO, K.	A	PRIZIO, P	A
RANDO, P	Y	RODENHISER, J.	Y	ROSSETTI, P.	N
SERINO, M.	Y	SPENCER, B.	Y	STEWART, W.	Y
SWEEZEY, S.	N	TRAVERSE, T.	Y	THOMPSON, R.	N
WALLACE, R.	Y	WHITCOMB, M.	Y	WHYTE, C.	Y
WITTEN, R.	N	WORTHLEY, J.	Y		

Yeas 27, Naes 14 motion passes by majority vote.

Article 15 passed as written, by majority roll call vote at 9:46p.m.

Town moderator asks Town meeting if they want to stay to finish the rest of the recommended articles or to push to the next session. Next Meeting would be May 20th.

All in favor in proceeding raise your hand:
Left Side: 6
Right Side: 6
Total: 12

All in favor putting off until the next meeting raise your hand
Left Side: 15
Right Side: 12
Total: 27

Motion to adjourn until May 20, 2019

Motion to adjourn moved at 9:49pm.

Seconded at 9:48pm

Respectfully submitted

Ellen Joyce Schena
Town Clerk