

# Special Town Meeting Minutes

## March 9, 2020

Town Clerk, Ellen J. Schena , called the Special Town Meeting to order on March 9, 2020 at 7:30 p.m. in the Town Hall Auditorium, 298 Central Street, Saugus, MA with 42 members present. A quorum was met.

Pledge of Allegiance

Peter Rossetti from Precinct 2 and Maureen Whitcomb Precinct 4 were appointed and sworn in as tellers at 7:31 p.m.

Assistant Town Clerk, Stephanie Hardy called the roll at 7:32 p.m.

Town Meeting Member name	Pct	Present/ Absent	Town Meeting Member name	Pct	Present/ Absent	Town Meeting Member name	Pct	Present/ Absent
Arone, A.	1	P	Doherty, S.	4	P	Palomba, A.	1	P
Ayube, S.	7	P	Dunn, S.	1	A	Panico, A.	6	P
Bartolo, J.	6	P	Fowler, J.	8	P	Paolini, M.	7	P
Berube, K	9	P	Goodwin, P.	5	A	Riley, C.	2	P
Brown, W.	6	P	Jones, C.	1	A	Ring, D.	10	P
Camuso Sr., R.	2	P	Kelly, D.	9	P	Rossetti, P.	2	P
Cicolini, J.	8	P	Lavoie, R.	7	P	Scrivano, M.	6	P
Connors, A	3	P	Leuci, W.	4	P	Smith, R.	3	P
Costello, M.	10	P	Long, R.	9	P	Spencer, B.	5	A
Cottam, J	9	P	Lopresti, A.	8	P	Stewart, W	3	P
Cross III, W.	8	P	Manoogian Sr., P	10	P	Thompson, R	3	P
Currie, K	6	P	McCarthy, S.	7	P	Traverse, T.	8	P
Davis, G.	4	P	Migliore, M.	5	P	Vecchione IV, J.	2	P
Delios, P.	10	P	Mitchell, J.	7	P	Wallace, R.	5	P
Devlin, F.A.	1	P	Moore, W.	2	P	Whitcomb, M.	4	P
DiNardo, A.	4	A	Nickolas, G.	3	P	Worthley, J.	9	P
Divirgilio, S	10	P	Palleschi, R.	7	P			44

(Steve DiVirgilio, Precinct 10 arrived at 8:23pm making the count 43 and Greg Nickolas Precinct 3 arrived at 8:57pm making the count 44).

The election of the Moderator will be the first order of business this evening and at this time it was requested that Town Counsel John Vasapolli address Town Meeting to outline the process by which the election should take place at 7:37pm.

Town Counsel Vasapolli speaks about majority vote process and Secret Ballot which would take 2/3 vote to pass.

At 7:30pm, Peter Manoogian, Precinct 10 addressing Town Meeting questioning description of contested Town Moderator position on how ballots are cast.

At 7:40pm Town Counsel Vasapolli answers the last speaker’s questions on the majority + 1.

At. 7:41pm, Peter Manoogian makes a motion: “That the vote for Moderator require an affirmative vote of one half plus one of the full Town Meeting membership (50). The vote will be by secret ballot and a three minute speech will be allowed to each candidate.”

Seconded at 7:41pm

At 7:42pm Town Clerk and Town Counsel have a discussion. Town Clerk explains to Town Meeting that the vote will not be majority but 26 votes out of 42 by secret ballot to win nomination.

Town Clerk has tellers take a Hand Count on the 1<sup>st</sup> motion for Secret Ballot:

Left: 13  
Right: 15  
Total: 28

More than 2/3, so motion passes at 7:45pm

Town Clerk has tellers take a Hand Count on 2<sup>nd</sup> motion for one half plus one total of 26 votes to win:

Left: 10  
Right: 13  
Total: 23

Majority vote Yes, motion passes at 7:47pm.

Town Clerk asks for nominations from the floor for Moderator.

At 7:47pm, Bill Stewart, Precinct 3 nominates Robert Long, Precinct 9 for Town Moderator.  
Seconded by Jean Bartolo, Precinct 6 at 7:47pm.

At: 7:48pm, Joia Cicolini, Precinct 8 nominates Stephen Doherty, Precinct 4 for Town Moderator.  
Seconded by F. Ann Devlin, Precinct 1 at 7:48pm.

Any further nominations: NONE.

At 7:48pm, Peter Manoogian, Precinct 10 closes nominations for Town Moderator.  
Seconded by Bill Cross, Precinct 8 at 7:49pm.

At 7:49pm, Robert Long speaks on why he should be elected Town Moderator. He states he has 18 years prior experience than other nominee. Explains his fairness and how he proves information to other members. He asks for hard copies of budget 2 days prior from FinCom with notes. Training sessions for new members on how to make motions. Opportunity to hear participants.

At 7:55pm, Stephen Doherty agrees with the former speaker on some of his issues; training of new members, procedures and rules to follow, etc. However, he speaks about resolutions being on the warrants and public notifications. Also talks about how FinCom works for Town Meeting.

At 7:59pm, the tellers hand count blank paper for the secret ballot vote. Tellers count left side 18 and right side 24.

At 8:12pm after 2 votes, short recess. At 8:20pm call back to order

At 8:23pm Steve, Precinct 10 arrived making left side 19, right side 24.

At 8:41pm after 4 rounds of Ballots; Mike Paolini Precinct 7 suggests the next vote should be a majority vote of the town meeting members present.  
Seconded at 8:42pm

At 8:42, Peter Manoogian states he doesn't want to change the motion on the floor and compares Doherty to Bernie Sanders.

At 8:44pm Peter Rossetti Jr states electing the Moderator needs support of majority of all and is opposed to just majority of who is here tonight.

At 8:54pm Town Clerk explains to Town Meeting on voting for the new motion on the floor from Mr. Paolini on majority vote. Yes vote is for Majority vote of who is present; No vote is to remain with half plus one:

Hand Count:  
Left side: 8  
Right side: 12  
Total: 20

**Motion for majority vote fails.**

At 8:57pm Greg Nickolas Precinct 3 arrived left side 20, right side 24.

Ballot Results:

Candidates	Secret Ballots						
	#1	#2	#3	#4	#5	#6	#7
Stephen Doherty	21	22	23	22	22	25	27
Bob Long	21	20	20	21	21	18	17

Stephen Doherty wins Town Moderator with 27 votes. At 9:02pm Bob Long precinct 9 moves to make it unanimous vote.

At 9:03pm, new Town Moderator takes his seat and asks for the acceptance of the previous minutes.  
Unanimous votes to accept the minutes.

At: 9.04pm Town Moderator ask if any committees would like to speak: None.

As a courtesy, Ms. Assunta Palomba Precinct 1 moves Article 2 to the floor for consideration as recommended.  
Seconded at 9:06.p.m.

**Article as written:**

**Article 2.** To see if the Town will vote to petition the General Court for special legislation to allow Kevin Nichols, a police office in the Town of Saugus notwithstanding the provisions of any general or special law to the contrary, to serve in the position of Saugus Police Department maintenance mechanic until the age of 70, or until the date of his retirement or non-reappointment, whichever occurs first; provided, however, that no deduction from the regular compensation of Kevin Nichols shall be made under chapter 32 of the General Laws subsequent to his reaching the age of 65 in connection with his service to the Town for retirement or pension purposes; provided, however, that the General Court may make clerical and editorial

changes of form only to the bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition, or take any vote or votes in relation thereto. (Kevin Nichols)

At 9:07pm. Chris Riley Precinct 2 speaks in favor of this article.

At 9:09pm, Bill Brown Precinct 6 had concerning about forcing retirement. Who would do the job when Nichols retires? Outsourcing vendors? What are in the best interest for the town?

At 9:13pm Acting Police Chief Giorgetti explains that the vehicles are served outside with vendors. The MPTS is password protected. No issues with access with Ford or other auto body shops. He states MGL C49 that the Chief will be in control and who he assigns. He asks Town Meeting to vote NO on this article.

9:16pm Ann Devlin, Precinct 1 speaks that this is not just state mandatory retired but in 20134 collective bargaining position would be to eliminate and she is opposed to this article.

At 9:18pm Peter Manoogian makes amendment to the article as follows: *“To strike “maintenance mechanic” and replace with “patrolman” and to further strike “authorize the Board of Selectmen” and to further strike “unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition, or take any vote or votes in relation thereto” and to place a period after “General Court” and to add “said act to take effect as of March 30, 2020”.*

Seconded at 9:19pm

At 9:19pm Peter Manoogian Precinct 10 states he is sensitive to the comments. He states there is precedent set back in 2003 the town allowed Cicolini to do the same. The Amendment will allow the Chief to have discretion by taking out the BOS. Wouldn’t lose out on the delay.

At 9:22pm Bob Palleschi Precinct 7 is in support of this article that is already sets precedent.

At 9:23pm Joia Cicolini Precinct 8 informs Town meeting that the prior doesn’t not set precedent since it is totally different and he retired before he was 66. He was left on to finish out a case.

At 9:24pm Anthony Cogliano, Chairman Board of Selectmen asks about why police have to retire at 65?

At 9:25pm Town Counsel John Vasapolli replies about State Statues.

At 9:26pm Anthony Cogliano speaks on other town employees that work past 65.

At 9:27pm Tom Traverse Precinct 8 asks about civilian and not police policies?

At 9:27pm Acting Chief Giorgetti explains a new civilian mechanic was hired and will be starting soon. To ask the Town Manager.

At 9:29pm Peter Manaoogian asks for a Roll Call Vote on the Amendment:

Town Meeting Member name	Pct	Yea/Nay	Town Meeting Member name	Pct	Yea/Nay	Town Meeting Member name	Pct	Yea/Nay
Arone, A.	1	Y	Doherty, S.	4		Palomba, A.	1	Y
Ayube, S.	7	N	Dunn, S.	1	A	Panico, A.	6	Y
Bartolo, J.	6	Y	Fowler, J.	8	Y	Paolini, M.	7	N
Berube, K	9	Y	Goodwin, P.	5	A	Riley, C.	2	Y
Brown, W.	6	Y	Jones, C.	1	A	Ring, D.	10	Y
Camuso Sr., R.	2	Y	Kelly, D.	9	N	Rossetti, P.	2	Y
Cicolini, J.	8	N	Lavoie, R.	7	Y	Scrivano, M.	6	Y
Connors, A	3	N	Leuci, W.	4	Y	Smith, R.	3	Y
Costello, M.	10	N	Long, R.	9	Y	Spencer, B.	5	A
Cottam, J	9	N	Lopresti, A.	8	N	Stewart, W	3	Y
Cross III, W.	8	N	Manoogian Sr., P	10	Y	Thompson, R	3	N
Currie, K	6	N	McCarthy, S.	7	N	Traverse, T.	8	N
Davis, G.	4	Y	Migliore, M.	5	Y	Vecchione IV, J.	2	Y
Delios, P.	10	Y	Mitchell, J.	7	Y	Wallace, R.	5	Y
Devlin, F.A.	1	N	Moore, W.	2	Y	Whitcomb, M.	4	Y
DiNardo, A.	4	A	Nickolas, G.	3	N	Worthley, J.	9	A
Divirgilio, S	10	N	Palleschi, R.	7	Y			

Yea: 27  
Nay:16  
Abst:6

**Amendment passes by for majority roll call vote Yea.**

At 9:32pm Steve DiVirgilio Precinct 10 states this puts the town in a touch finance issue. This sets a terrible precedent going forward. The Town Manager hires and fires and doesn’t make sense the change of rules for certain people. What precedent does this send to the Pension Plan?

At 9:35pm Mike Paolini Precinct 7 has a question to Town Counsel and the Chief of Police on the amendment that was passed.

At 9:36pm Town Counsel John Vasapolli answers the question that is a state by state case.

At 9:37pm Steve DiVirgilio Precinct 10 speaks on the legal fees involved.

At 9:38pm Bill Cross Precinct 8 informs Town Meeting that this would not impact the pension plan since it stops paying into at 65 years old.

At 9:38pm Bob Davis, 8 Holden Ave speaks in favor of this article

At 9:39pm Shawn Ayube Precinct 7 asks the Chief of Police if it is best to keep him in this position or someone else.

At 9:40pm Chief Giorgetti responds by referring back to MGL that all police must retire at 65 years old.

At 9:41pm Bob Long Precinct 9 asks Town Counsel what does this really change.

At 9:42pm Town Counsel Vasapolli states he will be subject to all action, rules & regulations as other police officers.

At 9:43pm Bob Long precinct 9 asks if any other officers are subject to periodical physicals.

At 9:44pm Chief Giorgetti answers there are no standard physical fitness testing but will be expected to perform all the same functions as a police officer and use of fire arms. He feels this is setting a bad precedent.

At 9:46pm Saugus citizen had known Kevin for 20 years and is in favor of this article.

At 9:47pm Rick Lavoie Precinct 7 is in favor of this article, noting the law to retire police at 65 was passed in the 1980’s.

At 9:49pm Kevin Nichols, 27 Hamilton Street is the maker of the article and has given 37 years to Saugus police. He is asking Town Meeting for him to stay to working for the town.

At 9:54pm Christ Riley speaks in favor of the article.

At 9:56pm Harry Young, 24 School Street who is the former Animal Control, Officer for the Town of Saugus speaks in favor of this article.

Calls for the question.

**Article as voted:** To see if the Town will vote to petition the General Court for special legislation to allow Kevin Nichols, a police officer in the Town of Saugus notwithstanding the provisions of any general or special law to the contrary, to serve in the position of Saugus Police Department patrolman until the age of 70, or until the date his retirement or non-reappointment, whichever occurs first; provided, however that no deductions from the regular compensation of Kevin Nichols shall be made under chapter 32 of the General Laws subsequent to his reaching the age of 65 in connection with his service to the Town for retirement or pension purposes; provided, however, that the General Court may make clerical and editorial changes of form only to the bill. Said act to take effect as of March 30<sup>th</sup>, 2020.

Roll call vote taken by Town Clerk at 9:58pm

Town Meeting Member name	Pct	Yea/Nay	Town Meeting Member name	Pct	Yea/Nay	Town Meeting Member name	Pct	Yea/Nay
Arone, A.	1	N	Doherty, S.	4		Palomba, A.	1	Y
Ayube, S.	7	N	Dunn, S.	1	A	Panico, A.	6	Y
Bartolo, J.	6	Y	Fowler, J.	8	Y	Paolini, M.	7	N
Berube, K	9	Y	Goodwin, P.	5	A	Riley, C.	2	Y
Brown, W.	6	Y	Jones, C.	1	A	Ring, D.	10	Y
Camuso Sr., R.	2	Y	Kelly, D.	9	N	Rossetti, P.	2	Y
Cicolini, J.	8	N	Lavoie, R.	7	Y	Scrivano, M.	6	Y
Connors, A	3	N	Leuci, W.	4	Y	Smith, R..	3	Y
Costello, M.	10	N	Long, R.	9	Y	Spencer, B.	5	A
Cottam, J	9	N	Lopresti, A.	8	N	Stewart, W	3	Y
Cross III, W.	8	Y	Manoogian Sr., P	10	Y	Thompson, R	3	
Currie, K	6	Y	McCarthy, S.	7	N	Traverse, T.	8	Y
Davis, G.	4	Y	Migliore, M.	5	Y	Vecchione IV, J.	2	Y

Delios, P.	10	Y	Mitchell, J.	7	Y	Wallace, R.	5	Y
Devlin, F.A.	1	N	Moore, W.	2	Y	Whitcomb, M.	4	Y
DiNardo, A.	4	A	Nickolas, G.	3		Worthley, J.	9	A
Divirgilio, S	10	N	Palleschi, R.	7	Y			

Yea: 29  
Nay:12  
Abst:6  
Abstains: 2

Article 2 passes by for majority roll call vote Yea

At 10:00pm Chris Riley calls for a vote on the Audit Committee.

At 10:00pm Town Moderator calls for a recess to discuss with Town Counsel.

At 10:12pm Unanimous voice vote to table the Audit Committee appointments until the Annual Town Meeting in May.

Moderator asks for a motion to adjourn the 2020Special Town Meeting on March 9, 2020 sine die.  
Motion called for an Adjournment.

Seconded at 10:13p.m.

Unanimous voice vote at 10:13p.m. To adjourn sine die.

Respectfully submitted

Ellen Joyce Schena  
Town Clerk