

May 1st 2006 Town Meeting Warrant

Essex, ss.

To the Constable of the Town of placeCitySaugus

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 1, 2006 at 7:30 PM to hear and act on the following articles: viz;

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

Article 2. To see what sums of money the Town will vote to raise and appropriate for Town charges for the ensuing fiscal year 2007. (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 2005 Annual Town Meeting during the current Fiscal Year, and determine whether the money shall be provided by transfer from available funds; or to see whatever other action the Town wishes to take in the matter. (Town Manager)

Article 4. To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen, to borrow up to \$902,907.00 at 0% interest from the MWRA Local Pipeline Assistance Program for the purpose of designing and constructing improvements to water pipelines (Town Manager)

Article 5. To see if the Town will vote to raise and appropriate from the FY07 tax levy a sum of money for the purpose of paying retroactive negotiated salary and wage increases for fiscal years 2005 and 2006 for all eligible A.F.S.C.M.E. members and other eligible non-union employees. (Town Manager)

Article 6. To see if the Town will vote to raise and appropriate from the FY07 tax levy a sum of money (\$175,000.00) for the purpose of reimbursing the Stabilization Fund for funds transferred out to cover FY06 operating expenses in February, 2006. (Town Manager)

Article 7. To see if the Town will vote to raise and appropriate a sum of money for capital improvements to the Town's sanitary sewer system, including all costs thereof as defined in Section 1, of Chapter 29C of the General Laws, as amended; 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 8. To see if the Town will vote to raise and appropriate a sum of money to purchase capital equipment for the Department of Public Works, Fire Department, Police Department, Library, Kasabuski Arena, and the School Department. Said appropriation shall be raised by borrowing or otherwise. (Town Manager)

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the purpose of renovating the Ballard School to reduce overcrowding at the elementary level of the Saugus Public Schools; to determine whether this appropriation shall be raised by borrowing or otherwise; or to see whatever other action the Town may take in this matter. (Superintendent of Schools and Town Manager)

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 purchasing not more than five (5) modular classrooms for the purpose of reducing overcrowding at the elementary level of the Saugus Public Schools; to determine whether this appropriation shall be raised by

borrowing or otherwise; or to see whatever other action the Town may take. (Superintendent of Schools and Town Manager)

Article 11. To see what sums of money the Town will vote to raise and appropriate for the Water Enterprise Fund for the ensuing fiscal year 2007. (Town Manager)

Article 12. To see what sums of money the Town will vote to raise and appropriate for the Sewer Enterprise Fund for the ensuing fiscal Year 2007. (Town Manager)

Article 13. To see what sums of money the Town will vote to raise and appropriate for the Kasabuski Arena for the ensuing fiscal year 2007. (Town Manager)

Article 14. To see if the Town will vote to re-authorize 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 15. To see if the Town will vote to re-authorize a revolving fund for the Wetland Protection Act filing fees whereby the established fees for Fiscal Year 2007 will be used for operating expenses in connection with the enforcement of the Wetland Protection Act. (Town Manager)

Article 16. 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 17. 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 18. To see if the Town will vote to re-authorize a revolving fund for the placePlaceNameRiverside PlaceTypeCemetery whereby the established fees will be used for the operating expenses in connection with maintaining the facility. (Town Manager)

Article 19. To see if the Town will vote to raise and appropriate from the FY07 tax levy a sum of money for the purpose of purchasing two new police cruisers. (Town Manager)

Article 20. To see if the Town will vote to increase water rates with all receipts to be held within the Water Enterprise Fund to be used exclusively for water expenses, water maintenance, and water improvement programs, or take any other action relating thereto. (Town Manager)

Article 21. To see if the Town will vote, as requested from the residents from Clifton Ave., to install a drainage system for catch basins to relieve flooding and erosion in the affected areas. (Vincent J. Jesoraldo)

Article 22. To see if the Town will vote to raise and appropriate a sum of money to install drainage and catch basins on addressStreetClifton Ave. Said sum of money should be raised by borrowing or other means. (Board of Selectmen)

Article 23. To see if the Town will vote to establish an Affordable Housing Committee for the purpose of recommending by-laws and other initiatives designed to increase the town's stock of affordable housing.

Said committee, appointed by the Town Moderator, shall report back to the Town Meeting with recommendations no later than the Annual Town Meeting of 2007 and shall consist of the following members:

One member of the Board of Selectmen
One member of the Planning Board
One member of the Board of Appeals
One member of the Housing Authority
Two members of the Town Meeting
One resident of the Town of placeCitySaugus

(Janet Leuci)

Article 24. To see if the Saugus Town Meeting will vote to adopt the following bylaw known as “Expiration of Special Appropriations and Borrowing Authorization” and to have such placed into the Town Bylaws as Section 403.01.

403.01 Expiration of Special Appropriations and Borrowing Authorization

Part 1:

Any appropriation or authorization to borrow, voted as a Special Article, of which funds have not been encumbered and which there is no pending litigation relative to the purpose of said appropriation or borrowing, shall expire after a period of three years.

Part 2:

Any existing appropriation by Special Article or authorization to borrow that is at least three years old at the time of adoption of this bylaw will expire one year from the time of adoption unless those funds are encumbered or if there is pending litigation relative to the purpose of said appropriation.

Part 3:

The Town Manager shall include in his Annual Budget proposal to the Selectmen a listing of all Special Articles as well as bonding authorizations and include information on the status of said article or authorization.

(Peter Manoogian)

Article 25. To see if the Town will vote to authorize the Board of Selectmen to grant an easement for such consideration and upon such terms as the said Board may deem advisable, subject to legislative approval pursuant to Article 97 of the Amendments to the Massachusetts Constitution, in accordance with M.G.L. c.40 § 3, to the Tennessee Gas Pipeline Company to lay, construct, maintain, operate, repair, change the size of, remove and replace a pipeline over a parcel of land owned by the Town of Saugus as described in a deed from Trimount Bitumous Products Company and conveyed to the Town under the provisions of G.L. Chapter 40, Section 8C to be managed and controlled by the Conservation Commission recorded in the Essex (South) District Registry of Deeds at Book 6552, Page 644, as more particularly shown on a plan of land entitled “Essex-Middlesex Project, Proposed 24” Main Line, Town of Saugus, Essex County, Massachusetts, TE-T12-270C-1200-1.00,” consisting of a proposed permanent right-of-way fifty feet in width more or less, together with a temporary work space for construction purposes approximately 0.35 acres in size and a right to use a pre-existing road for vehicular access approximately 10 feet wide, or to act in any other manner in relation thereto. (Michelle N. O’Brien)

Article 26. To see if the Town will vote to amend the Town By-laws by adding the following new section, Section 603.3, which prohibits the sale, exchange or distribution of cigarette lighters and matches to minors in the Town of placeCitySaugus.

Section 603.03 Prohibits the sale, exchange or distribution of cigarette lighters and matches to minors in the Town of placeCitySaugus

Section 1. No person shall sell, exchange or distribute cigarette lighters and/or matches to a minor.

Section 2. Definitions. For the purpose of this By-law, the following words shall have the meanings respectively ascribed to them by this By-laws;

Town – Town of placeCitySaugus

Minor – Any individual who is under the age of eighteen (18);

Person – A person, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale, exchange, or distribution of cigarette lighters and matches.

Section 3. A person selling, exchanging or distributing cigarette lighters and/or matches shall request and examine identification from any purchaser suspected of being a minor and shall positively establish the purchaser’s age as eighteen (18) years or older before allowing the purchase and/or distribution.

The following shall constitute positive identification: a valid StateMassachusetts driver’s license or a placeStateMassachusetts

identification card or government issued passport.

Section 4. Any person violating any of the provisions of this by-law shall be subject to a fine of not less than (\$50.00) for the first offense; and, for the second offense a fine of not less than (\$100.00) and for the third offense, a fine of not less than (\$150.00).

Section 5. The Health Department and Fire Department shall be the enforcing authority of this By-law. (Raymond Lawrence)

Article 27. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32B, Section 9D1/2, which provides as follows:

“Shall the town, in addition to the payment of fifty percent of premium costs payable by the surviving spouse of an employee or retired employee for group general or blanket hospital, surgical, medical and other health insurance pay an additional or subsidiary rate?” (placeCitySaugus Retirement Board)

Article 28. To see if the Town will vote to accept the provisions of Chapter 157 of the Acts of 2005 Sections 1 and 2, which provides as follows:

Section 1 of Chapter 157 of the Acts of 2005 states that any member of Group 1 or Group 2 or Group 4 who retires due to an accidental disability who is a veteran will receive an additional yearly retirement allowance of \$15 of each year of creditable service or fraction thereof, and the total amount of this additional yearly retirement allowance will not exceed \$300.00.

Section 2 of Chapter 157 of the Acts of 2005 makes the allowance retroactive to a retiree’s date of retirement. If Section 2 is accepted, payments will be retroactive to the date of retirement for living retirees only. (placeCitySaugus Retirement Board)

Article 29. To see if the Town will vote to change the Town of Saugus By-laws, under 507.00 Canine Control, Section 507.05 by deleting in the second line \$3.00 and inserting in its place \$10.00; and deleting in the third line, \$50.00 and inserting in its place \$120.00; to read as follows:

507.05 Reclaiming Impounded Dogs

An owner reclaiming an impounded dog shall pay an administrative fee of \$20.00 plus \$10.00 boarding charge for each day that the dog has been impounded, to a maximum payment of \$120.00. (Canine Control Officer)

Article 30. To see if the Town will vote to amend the Zoning By-laws and Zoning Map by rezoning all of Lot A52, Plan 1026 (Old Assessor’s Map) being Map B10, Block 12, Lot 14 (on New Assessor’s Map) from Business 1 – Neighborhood Business to Residential 3 – Two Family. (George Gregson)

Article 31. To see if the Town will vote to amend the Zoning By-laws by inserting the following under Article III, Definitions:

Frontage, add this sentence:

“The front door of every new residence/dwelling in R-1, R-2, and R-3 District shall face the way upon which frontage is determined for that lot.”

(Catherine A. Galenius, Board of Appeals)

Article 32. To see if the Town will vote to amend the Zoning By-laws by inserting the following under Article III, Definitions:

Swimming Pools Residential, add this sentence:

“Any swimming pool having 265 s.f. or more in area shall be considered in determining “lot coverage”.

(Catherine A. Galenius, Board of Appeals)

Article 33. To see if the Town will vote to amend the Zoning By-laws by inserting the following under Article VI, Section 6.9.

House Numbering, add the following sentence:

“Any residential property owner found to be in violation of the house numbering requirements of this By-law may be fined by the Building Inspector at least \$50 but no more than \$100 for each day of said violation.

(Catherine A. Galenius, Board of Appeals)

Article 34. To see if the Town will vote to amend the Zoning By-laws by inserting the following under Article VII, Section 7.6.

Administration and Enforcement, add the following paragraph numbered and titled:

6. Closed Businesses: Any sign that promotes or advertises product(s) or services or directs the public to a business that has moved, relocated, gone out of operation or simply is not there, shall, after a period of 90 days or as determined by the Building Inspector, be made blank or removed from the public view so as not to deceive the public. The owner of said property on which said sign is located shall bear the cost and responsibility for such removal or change in appearance.

Failure to comply shall be punishable by a fine not to exceed \$50 per calendar day of each violation. Separate signs shall constitute separate violations.

(Catherine A. Galenius, Board of Appeals)

Article 35. To see if the Town will vote to amend the Zoning By-laws by inserting the following under Article VII Section 7.2. Definitions, add the following:

Safety: In any district other than residential, every free standing sign that does not meet the setback requirements from a public way must have a ground clearance of no less than 42 inches to allow motorists a reasonably clear view of whatever traffic may be approaching in the interests of safety. A Special Permit may be issued by the Zoning Board of Appeals after a public hearing, should circumstances be presented indicating that public safety in a specific location shall not be compromised.

Some signs in existence at the time of passage of this By-law that do not meet this criteria may be “grandfathered” by the written approval of the Building Inspector and must be accomplished no later than January 1st 2008.

These are generally located in or adjacent to Residential Districts and often create no hazard to the motoring public.

Refinishing or re-facing existing signs that do not meet these safety requirements may be accomplished prior to the date of January 1st, 2008, but shall not be an excuse for non-compliance by the specified date.

Failure to comply shall be punishable by a fine to be determined by the Building Inspector but shall be no less than \$50 per day of the violation with each sign being a separate violation.

(Catherine A. Galenius, Board of Appeals)

Article 36. To see if the Town will vote to amend the Zoning By-laws by inserting the following under Article IX, **NONCONFORMING USES 9.2. EXTENSION AND ALTERATION**, add the following paragraphs numbered 4 and 5:

4. In a Residential District, off-street parking area(s) shall not be encroached without providing an equal area of accessible, unrestricted parking on the same lot.

And

5. In a Residential District, any structure built as a garage to accommodate the parking/storage of motor vehicles or any portion of a dwelling so built, shall not be modified or changed to become a dwelling or to create additional dwelling space for an existing dwelling except as determined by the Building Inspector.

In considering such requests, the Building Inspector shall take specific notice of the impact to “off-street” parking for the lot in question as well as the neighborhood in general.

(Catherine A. Galenius, Board of Appeals)

Article 37. To see if the Town will vote to amend the Town's Zoning Map and Zoning By-law by rezoning a portion of Lot A-64 on Assessors' Plan 1047 by further extending the High Rise Business and Industrial (B-2) zone an additional 390.8' easterly from the existing B-2 zone at its southerly side and a distance of 199.9' easterly from the existing B-2 zone at its northerly side from Residential A-single Family (R-1) to High Rise Business and Industrial (B-2) by rezoning a portion of Lot A-400 on Assessors' Plan 1047 295.9' Easterly from the existing B-2 zone at its southerly side and a distance of 243.0' from the existing B-2 zone at its northerly side from residential A-Single Family (R-1) to High Rise Business and Industrial (B-2); and by rezoning that portion of Lot A-67 on Assessors' Plan 1047 that is currently zoned Business-Neighborhood (B-1) to High Rise Business and Industrial (B-2). The property is located at 352 Broadway. (Richard M. Magnum)