

STM Warrant - October 27, 2008

TOWN OF SAUGUS

Essex, ss.

To the Constable of the Town of Saugus

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Saugus, qualified to vote in Town affairs for the Special Town Meeting at the Saugus Town Hall located at 298 Central Street on Monday, October 27, 2008 at 7:30 PM to hear and act on the following articles: viz;

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

Article 2. To see if the Town will vote to transfer a sum of money (\$350,000.00) from the Water Enterprise Fund Retained Earnings, as certified by the Mass. Department of Revenue for the Fiscal Year ended June 30, 2007, and such funds will be used as an additional revenue source for the Fiscal Year 2009 Water Enterprise Budget voted under Article 5 of the 2008 Annual Town Meeting. (Town Manager)

Article 3. To see if the Town will vote to transfer a sum of money (\$200,000.00) from the Sewer Enterprise Fund Retained Earnings, as certified by the Mass. Department of Revenue for the Fiscal Year ended June 30, 2007, and such funds will be used as an additional revenue source for the Fiscal Year 2009 Sewer Enterprise Budget voted under Article 6 of the 2008 Annual Town Meeting. (Town Manager)

Article 4. To see if the Town will vote to reduce the Group Health Insurance Line item by \$800,000.00 as voted under Article 2 of the 2008 Annual Town Meeting. (Town Manager)

Article 5. To see if the Town will vote to raise and appropriate from the tax levy, or transfer from available funds, a sum of money (\$30,000.00) for the purpose of funding the Senior Center for the remainder of Fiscal Year 2009 through June 30, 2009. (Town Manager)

Article 6. To see if the Town will vote to raise and appropriate from the tax levy, or transfer from available funds, a sum of money (\$15,000.00) for the purpose of funding the Youth and Recreation Drug Prevention Program. (Town Manager)

Article 7. To see if the Town will vote to change the method of calculating the water charges for multiple housing units (three or more presently existing units only) on one water meter to a per unit rate rather than the current method of using the accumulated tiered rate structure. (Town Manager)

Article 8. To see if the Town will vote to transfer a sum of money (\$103,000.00) from the Water Enterprise Fund Retained Earnings, as certified by Mass. Department of Revenue for the Fiscal Year ended June 30, 2007, and such funds shall be used as an additional revenue source for the proposed multiple housing units billing changes. (Town Manager)

Article 9. To see if the Town will vote to transfer a sum of money (\$84,000.00) from the Sewer Enterprise Fund Retained Earnings, as certified by Mass. Department of Revenue for the Fiscal Year ended June 30, 2007, and such funds shall be used as an additional revenue source for the proposed multiple housing units billing changes. (Town Manager)

Article 10. To see if the Town will vote to raise and appropriate from the tax levy or transfer from available funds, a sum of money (\$950,000.00) for the purpose of funding the remainder of the Fiscal Year 2009 Northeast Vocational School Assessment. (Town Manager)

Article 11. To see if the Town will vote to raise and appropriate from the tax levy, or transfer from available funds, a sum of money (\$10,000.00) for the purpose of funding two part time positions (Temporary Help - \$4,000.00 and Parking Control - \$6,000.00) within the Saugus Police Department. (Town Manager)

Article 12. To see if the Town will vote to raise and appropriate from the tax levy, or transfer from available funds, a sum of money (\$23,575.00) for the purpose of funding the Saugus Public Library for the remainder of Fiscal Year 2009, through June 30, 2009. (Town Manager as a courtesy to the Library Board of Trustees).

Article 13. To see if the Town will vote to transfer a sum of money from various Fiscal Year 2009 Library expenses appropriated to various Fiscal Year 2009 Library salary appropriations. (Town Manager as a courtesy to the Library Board of Trustees).

Article 14. To see if the Town will vote, pursuant to MGL c. 82 to accept **Nikole Circle** as shown on a plan of land entitled "Definitive Plan" Forest Street, Saugus Massachusetts, prepared for Richard Amico Electrical Construction, Inc., by Otte & Dwyer, Inc., recorded with Essex South Registry of Deeds on October 4, 1999 as Plan No. 16 in Book 338. Form K recorded in Book 20061 Page 154. (Town Manager)

Article 15. To see if the Town will vote, pursuant to MGL c. 82 to accept **Homeland Avenue and Homeland Circle**, by Otte & Dwyer, Inc., recorded with Essex South Registry of Deeds as Plan No. 81 in Book 292. Form K recorded in Book 15735 Page 23. (Town Manager)

Article 16. To see if the Town will vote, pursuant to MGL c. 82 to accept **Sharon Drive**,

Nirvana Drive, Susan Drive Extension and Oak Point Road Extension, by Carter & Towers Engineering Corp., appearing on a plan entitled Subdivision Plan Oak Point Road recorded with Essex South Registry of Deeds as Plan Book 236, Plan 13. Form K recorded in Book 17677 Page 92. (Town Manager)

Article 17. To see if the Town will vote, pursuant to MGL c. 82 to accept **Cherry Street Extension** as shown on a plan of land entitled Cherry Street Extension, Saugus, MA dated May 2, 1988, by Parsons & Faia, Inc., recorded with Essex South Registry of Deeds as Plan No. 250 in Book 39. Form K recorded in Book 13495 Page 272. (Town Manager)

Article 18. To see if the Town will vote, pursuant to MGL c. 82 to accept **Columbus Avenue Extension** as shown on a plan of land entitled “Definitive Plan” Columbus Avenue Extension, dated August 24, 1998 revised December 30, 1998 and further revised June 10, 1999, Saugus, Massachusetts, by Otte & Dwyer, Inc., recorded with Essex South Registry of Deeds as Book 338, Page 45. Form K recorded in Book 20011 Page 70. (Town Manager)

Article 19. To see if the Town will vote, pursuant to MGL c. 82 to accept Hammersmith Village I, II, and III, **Hammersmith Drive, Lamplighter Way, Tanglewood Drive, Heatherwood Circle, Blacksmith Way, Water Wheel Lane, Candlewood Court, Sheffield Way and Chadwick Circle**, by Hayes Engineering, Inc., recorded with Essex South Registry of Deeds on April 5, 1991 as Book 10753, Page 370 and Land Court Document No. 261319. Form K Recorded in Book 15120 Page 442. (Town Manager)

Article 20. To see if the Town will vote, pursuant to MGL c. 82 to accept Brentwood Estates, **Cheever Avenue from Viking to Cul-de-sac, Long Pond Drive, and Magnolia Avenue from Cheever to NE Power**, as shown on a plan of land entitled “Brentwood Estates Modified Subdivision”, by Otte & Dwyer, Inc., recorded with Essex South Registry of Deeds on as Plan Book 336, Plan 89, Essex South Registry of Deeds and Lot 15 Sheet 2 as shown on a plan numbered 27220-A dated November 29, 1956 with Certificate No. 27073-27076 inclusive, recorded with Essex South Registry of Deeds. Form K recorded in Book 23727 Page 492. (Town Manager)

Article 21. To see if the Town will vote, pursuant to MGL c. 82 to accept **Valeri Drive**, by Hayes Engineering Inc., recorded with Essex South Registry of Deeds, Plan book 242 Plan 4 and Plan book 251 Plan 48. Form K recorded in Book 12581 Page 599. (Town Manager)

Article 22. To see if the Town will vote, pursuant to MGL c. 82 to accept **Vintage Drive**, Vintage Heights, Hamilton Street, Saugus, MA, prepared for Building Block Realty Trust by Otte & Dwyer, Inc., recorded with Essex South Registry of Deeds, Book 308, Plan 45. Form K recorded in Book 24272 Page 593. (Town Manager)

Article 23. To see if the Town will vote, pursuant to MGL c. 82 to accept **Fay Court**, by Otte & Dwyer, Inc., recorded with Essex South Registry of Deeds Plan Book, 290, Plan 11. Form K recorded in Book 15801 Page 58. (Town Manager)

Article 24. To see if the Town will vote, pursuant to MGL c. 82 to accept **Gianna Drive, Bria Circle, and Indian Road to Lynnfield line**, Hidden Valley Estates, by Otte & Dwyer, Inc., recorded with Essex South Registry of Deeds as Plan Book 325, Plan 25. Form K recorded in Book 27593 Page 364. (Town Manager)

Article 25. To see if the Town will vote, pursuant to MGL c. 82 to accept **Appleton Place**, prepared for Building Block Realty Trust, Saugus, MA, by Otte & Dwyer, Inc., recorded with Essex South Registry of Deeds as Appleton Place, Plan Book 270, Plan 84. Form K recorded in Book 12291 Page 567. (Town Manager)

Article 26. To see if the Town will vote, pursuant to MGL c. 82 to accept **Heritage Lane**, Berthold Farms Subdivision as shown on a plan of land entitled “Definitive Plan” Berthold Farms, Saugus, Massachusetts, by Hayes Engineering, Inc., recorded with Essex South Registry of Deeds Plan Book 305 Plan 60. Form K recorded in Book 15989 Page 40. (Town Manager)

Article 27. To see if the Town will vote, pursuant to MGL c. 82 to accept **Crimson Court** as shown on a plan of land entitled “Definitive Plan of Land” Crimson Court, Saugus, Ma, by Otte & Dwyer, Inc., recorded in Essex South Registry of Deeds Plan Book 290 Plan 88. Form K recorded in Book 15411 Page 294. (Town Manager)

Article 28. To see if the Town will vote, pursuant to MGL c. 82 to accept “Forest Highlands Subdivision”, Saugus, MA, by Carter & Towers Engineering Corp., **Rockland Terrace, Oakridge Drive, Stonecrest Drive, Foliage Drive and Wildwood Terrace** as shown on a plan recorded at the Essex South Registry of Deeds in Plan Book 165 Page 61. Form K recorded in Book 28082 Page 545. (Town Manager)

Article 29. To see if the Town will vote to transfer and appropriate a sum of money (\$21,000.00) from the Water Enterprise Fund Retained Earnings and (\$21,000.00) from the Sewer Enterprise Fund Retained Earnings, as certified by the Mass. Department of Revenue for the Fiscal Year ended June 30, 2008 and such funds shall be used as an additional salary appropriation equally divided within the Water and Sewer Enterprise funds. (Town Manager)

Article 30. To see if the Town will vote to raise and appropriate the sum of \$300,000 from available funds and/or certified free cash for the purpose of paying off the Town’s bond for textbooks for the Saugus Public Schools as voted on June 6, 2008. (School Committee)

Article 31. To see if the Town will vote to raise and appropriate a sum of money not to exceed \$80,000 to the Saugus Public Schools for the replacement of student furniture in all school buildings as needed. (School Committee)

Article 32. To see if the Town will vote to accept the following provisions of Massachusetts General laws. (Commission on Disabilities)

Chapter 40 Section 22A. Parking Meters: fees; exemptions from fees for disabled veterans

and handicap persons; bicycle locking devices; motorcycle parting; restricted parking areas for veterans and handicap persons.

Chapter 384 of the Acts of 2000.

Chapter 40 Section 22G. Funds received from fines for handicap parking violations; deposits in account expenditures.

Chapter 90 Section 2. Motor Vehicles and Aircraft (Dash Board Placard Misuse).

Chapter 90 Section 20A. Parking regulations; violations; notice to appear; failure to appear; adjudication by mail.

Chapter 40 Section 21. By-laws of Town; purpose.

Article 33. To see if the Town will vote to raise and appropriate the amount of \$150,000 for the repair, replacement and or installation of A.D.A. compliant sidewalk ramps at and around schools, government buildings, areas of Saugus Center, Cliftondale, Essex Street, Main Street (route to Square One Mall). The appropriation shall be raised by borrowing or to take any other action relative thereto. (Albert J. DiNardo)

Article 34. To see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$25,000 for the installation of sewer pipelines on Eagle Road; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (Albert J. DiNardo and Janet Leuci)

Article 35. To see if the Town will vote to amend the Town By Laws adding the following new section, 602.07(a):

602.07(a) No person shall refuse, when requested by a Police Officer, to give his/her True Name, Address, Date and Place of Birth when that person is being questioned, or the suspect of unlawful design, as provided under Chapter 41 section 98, this regulation shall apply to persons while on, in or upon any public way, upon any way in which the public has a right of access, in any place to which members of the public have access as invitees or licensees, in any park or playground, conservation area or recreation area or on private land or place without consent of the owner or person in control thereof. Violators may be arrested without a warrant. Any vehicle used, or under the control of any person found to be in violation of this section may be towed at the expense of the owner and under the direction of the Police Department. Those persons found in violation of this By Law shall forfeit and pay for each offense a fine of Two Hundred (\$200.00) dollars. (Stephen Sweezey)

Article 36. To see if the Town will vote to appropriate the sum of \$25,000 for the Saugus Historical Commission to be used for an archeological reconnaissance survey of the Town as recommended by the Massachusetts Historical Commission. (Stephen P. Carlson)

Article 37. To see if the Town will vote to amend the Town of Saugus Bylaw 601.02 c, that reads:

“For controlling and abating noise from whatever source including, but not limited to Street Sweeping of Parking Lots, Pick-up/delivery of Dumpsters, Trash Collection, Outside Operation of Machinery/Power Equipment, Pick-up/delivery by Trucks/Tractor Trailers. As authorized by Massachusetts General Laws Chapter 40 Section 21, Subsection (22). This By law shall not limit the Board of Selectmen’s authority to restrict hours of operations under its license authority. Such operations/activities shall be prohibited between the hours after 10:00 P.M. or prior to 7:00 A.M. Exceptions to this regulation may be granted by a vote of the Saugus Board

of Selectmen, or in case of Emergency Repairs/Weather related Emergencies/snow removal, flooding, power failures.

Those persons found in violation of this By law shall forfeit and pay for each offense a fine of Two Hundred (\$200.00) dollars.”

To include the words, “except for the delivery of newspapers,” so that the By law reads as follows:

“For controlling and abating noise from whatever source including, but not limited to Street Sweeping of Parking Lots, Pick-up/delivery of Dumpsters, Trash Collection, Outside Operation of Machinery/Power Equipment, Pick-up/delivery by Trucks/Tractor Trailers **except for the delivery of newspapers**. As authorized by Massachusetts General Laws Chapter 40 Section 21, Subsection (22). This By law shall not limit the Board of Selectmen’s authority to restrict hours of operations under its license authority. Such operations/activities shall be prohibited between the hours after 10:00 P.M. or prior to 7:00 A.M. Exceptions to this regulation may be granted by a vote of the Saugus Board of Selectmen, or in case of Emergency Repairs/Weather related Emergencies/snow removal, flooding, power failures.

Those persons found in violation of this By law shall forfeit and pay for each offense a fine of Two Hundred (\$200.00) dollars.” (Stephen Horlick)

Article 38. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$75,000 to the Youth and Recreation Budget #631, for the purpose of restoring Special Youth Programs, or to take any other action relative thereto. (Stephen Horlick)