

Special Town Meeting - August 24, 2009

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 August 24, 2009 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 of Saugus will vote to designate 25 acres of Town of Saugus Property located on Assessors Plan 1038, formerly known as Curley Property, for the use by Cemetery Commission for a Cemetery for Saugus Residents. The 25 acres would be the parcel of property located at North and West portion of the ~ 59 acres of property. (Saugus Cemetery Commission)

Article 3. To see if the Town of Saugus will vote to designate 10 acres of Town of Saugus Property located on Assessors Plan 1038, formerly known as Curley Property, as wetlands under control of Conservation Commission. The 10 acres would be in the parcel of property located at North and West portion of the ~ 59 acres of property where there is a small stream/wetlands system. (Saugus Cemetery Commission)

Article 4. To see if the Town will vote to accept M.G.L. c.64L section 2(a) to impose a local meals excise. Said excise shall amount to .75% of restaurant meals originating within the Town. (Town Manager)

Article 5. To see if the Town will vote to accept M.G.L. c. 64G section 3A to impose a local room occupancy excise at the rate of 6%. (Town Manager)

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY2010 Police Department overtime account, FY2010 Dispatchers overtime account and the FY2010 Fire Department overtime account. (Town Manager)

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY2010 Building Maintenance account and the FY2010 Public Building Electricity account. (Town Manager)

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund Sick Leave Buy Back for Town employee retirements. (Town Manager)

Article 9. To see if the Town will vote to transfer available funds within the FY2010 Library expense budget (\$4,889.00) into the FY2010 Library salary line Saturday hours. (Town Manager as a courtesy to Interim Library Director)

Article 10. To see if the Town will vote to name the Belmonte Middle School Track and Field after Saugus High School track and field coach William L. MacNeill. (Town Manager as a courtesy to Christopher Tarantino)

Article 11. To see if the Saugus Town Meeting will vote to close out any accounts and special articles relating to the Saugus Charter Commission and that any such balances become available for

appropriation. (Saugus Charter Commission, Peter Manoogian, Chairman)

Article 12. To see if the Town will vote to accept the provisions of Chapter 182 of the Acts of 2008 which amended Section 1 of MGL chapter 60A. This act provides that an excise tax shall not apply to a motor vehicle owned and registered by a resident who is in

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active and full-time military service and is deployed or stationed outside the boundaries of the United States. (Board of Selectmen)

Article 13. To see if the Town of Saugus will authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to adopt the following legislation:

AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT
REGULATION AND CONTROL OF EVICTIONS IN MOBILE HOME PARK
ACCOMMODATIONS IN THE TOWN OF SAUGUS.

SECTION 1. The general court finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the town of Saugus, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of mobile home parks, located therein, that unless mobile home park accommodation rents and eviction of tenants are regulated and controlled, such emergency will produce serious threats to the public health, safety and general welfare of the citizens of said town, particularly the elderly; that such emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the town of Saugus.

SECTION 2. The town of Saugus may, by its by-laws, regulate rents for the use or occupancy of mobile home park accommodations in said town, establish a rent board for the purpose of regulating rents, minimum standards for use or occupancy of mobile home park accommodations and eviction of tenants therefrom and may, by its by-laws, require registration by owners of mobile home parks under penalty of perjury, of information relating to the mobile home park accommodations. Said rent board shall have all the powers necessary or convenient to perform its functions, may make rules and regulations,

require registration by owners of mobile home parks, under penalty of perjury, of information relating to the mobile home park accommodations, sue and be sued, compel the attendance of persons and the production of papers and information and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any by-law adopted pursuant to this act or any order of said rent board shall be punishable by a fine of no more than \$1,000.00.

SECTION 3. (a) The rent board established under section two may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park accommodations in said town are established at levels which yield to owners a fair net operating income for such accommodations. (b) The following factors, among other relevant factors, which the board by regulation may define, shall be considered in determining whether controlled mobile home park accommodations yield a fair net operating income: (1) increases or decreases in property taxes; (2) unavoidable increases or any decreases in operating and maintenance expenses; (3) capital improvements of the mobile home park as distinguished from ordinary repair, replacement and maintenance; (4) increases or decreases in space, services, equipment, etc.; (5) substantial deterioration of the mobile home park other than as a result of ordinary wear and tear; and (6) failure to perform ordinary repair, replacement and maintenance.

SECTION 4. The provisions of chapter thirty A of the General Laws shall be applicable to the rent board, established under section two, as if said rent board were an agency of the commonwealth, including those provisions giving those agencies the power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

SECTION 5. (a) The Lynn division of the district court department shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws. (b) The superior

court shall have jurisdiction to enforce the provisions of this act and any by-laws adopted thereunder and may restrain violations there.

SECTION 6. The town of Saugus may by its by-laws regulate the eviction of tenants and the rent board established under section two, may issue orders which shall be a defense to

actions of summary process for possession and such orders shall be reviewable pursuant to section four and five.

SECTION 7. The personnel, if any, of the rent board established under section two shall not be subject to section nine A of chapter thirty of the General Laws or chapter thirty-one of the General Laws.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstance shall be held to be invalid, the validity of the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 9. This act shall take effect upon its passage.

(Saugus Mobile Home Association)