

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 Annual Town Meeting at the Saugus Town Hall located at 298 Central Street on May 6, 2013 at 7:30 p.m. to hear and act on the following articles: viz;

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

Article 2. To see what sum of money the Town will vote to raise and appropriate for Town charges for the ensuing Fiscal Year 2014. (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 2012 Annual Town meeting 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)

Article 4. To see what sums of money the Town will vote to raise and appropriate for the Water Enterprise Fund for the ensuing Fiscal Year 2014. (Town Manager)

Article 5. To see what sums of money the Town will vote to raise and appropriate for the Sewer Enterprise Fund for the ensuing Fiscal Year 2014. (Town Manager)

Article 6. To see if the Town will vote to reauthorize 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 7. To see if the Town will vote to reauthorize 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 8. To see if the Town will vote to reauthorize 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 9. To see if the Town will vote to reauthorize a revolving fund for the purpose of supporting the Senior Lunch Program at the Senior Center. Established fees will be used for the operating expenses in connection with maintaining this program. (Town Manager)

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds (FY 2014 Chapter 90 Highway) a sum of money for street resurfacing, handicapped ramps and sidewalks. Said sum will be reimbursed by the Commonwealth under the provisions of MGL chapter 90, Section 34. (Town Manager)

Article 11. To see if the Town will vote to authorize 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 Fiscal Year 2014 for the purpose of designing and constructing improvements to water pipelines or to take any other action relative thereto. (Town Manager)

Article 12. 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, water debt and interest and water improvement programs, or take any other action relating thereto. (Town Manager)

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)

Article 14. To see if the Saugus Town Meeting will vote at the 2013 Annual Town meeting to add a new bylaw regarding vandalism and the defacement of public and private property.

701.06 VANDALISM AND THE DEFAACEMENT OF PUBLIC AND PRIVATE PROPERTY

SECTION 1 – Purpose and Intent

Vandalism and the existence of graffiti within the Town are considered a public and private nuisance. The purpose of this bylaw is to protect public and private property from acts of vandalism and defacement by prohibiting the application of graffiti on such property and by requiring property owners to remove publicly visible graffiti from their property within a reasonable period of time.

SECTION 2 – Definitions

For the purposes of this bylaw, “graffiti” is intended to mean the intentional painting, marking, scratching, etching, coloring, tagging, or other defacement of any public or private property without the prior written consent of the owner of such property.

SECTION 3 – Prohibited Conduct

The application of graffiti to the real or personal property of another is prohibited and shall be prosecuted to the extent authorized by Massachusetts General Law CH. 266 Sections 126 – Natural Scenery Defacement, 126A- Defacement of Rear or Personal Property and 126B – Tagging.

SECTION 4 – Removal of Graffiti

Upon determining that graffiti exists on any private or other non-Town owned property and that such graffiti can be viewed from a public place within the Town, the Chief of Police or his designee may mail or deliver a notice to the owner of the property on which the graffiti exists advising the owner that the graffiti must be removed within fourteen days.

SECTION 5 – Enforcement

Failure to remove the graffiti within fourteen days of delivery of the notice may be deemed a violation of this section and shall be dealt with as a non-criminal offense in accordance with the provisions of G.L. c. 40, s. 21D and Section 106.00 of these bylaws.

Owners who repeatedly violate the provisions of Section 4 may be prosecuted under the provisions of Article 103.00 of these bylaws.
(Peter Manoogian)

Article 15. To see if the Town will vote to amend the General By-laws of the Town, Section 516.00 by adding the following sentence to paragraph VI e.

All costs incurred by the Town in accordance with this by-law shall be liens for the purposes of and in accordance with M.G.L. c. 40, §58.
(Affordable Housing Trust)

Article 16. To see if the Saugus Town Meeting will vote to implement Section 517.00 of the Town’s Bylaws that established, by vote of the 2012 Annual Town Meeting, a five member audit committee consisting of Town Meeting members using the following process:

- 1.) The town meeting shall determine a process for identifying nominees among the membership.
 - 2.) The town meeting shall determine a process for nominating candidates and voting on candidates.
 - 3.) The town meeting shall elect an audit committee prior to the conclusion of the 2013 annual town meeting.
- (Peter Manoogian)

Article 17. To see if the Saugus Town Meeting will vote to revise Article 16 of the 2007 Annual Town Meeting. Said article created a Wind Power Study Committee. Town Meeting is hereby requested to rename the title of that committee to the Alternative Energy Committee and add the following statement as the purpose of said committee:

“Said committee is authorized to study and report on all forms of alternative energy except for wind power. Said committee will not be authorized to recommend vendors, studies, apply for permits or seek grants that will result in the placement of wind turbines on town property or within the Area of Critical Environmental Concern.

Any activities, commitments, applications described above shall be reported to the Town Manager within 30 days so that the Town may take whatever steps necessary to disengage from such commitments.”

(Peter Manoogian)

Article 18. To see if the Town will vote the following:

Whereas Sergeant John Coburn served the Town of Saugus for several months shy of 32 years.

Whereas Mr. Coburn was retired on 30 June 2009 after suffering a near fatal heart attack.

Whereas Mr. Coburn’s heart attack occurred while performing his duty, restraining a prisoner in the police station cell block.

Whereas after receiving life saving CPR from his co-workers and undergoing a quadruple by-pass, Mr. Coburn returned to duty.

Whereas after returning to duty for nine months Mr. Coburn had to retire because he was physically unable to perform the duties associated with his position.

Whereas Massachusetts General Laws, namely MGL Chapter 402B of the Acts of 1985, amending chapter 31, section 26 enables the son or daughter of a police officer/fire fighter who passes the written exam, medical exam, and physical exam to receive a statutory preference in the placement on any entry level police officer/firefighter list if the police officer or firefighter was permanently and totally disabled in the line of duty and if through a special act of the legislature received a retirement pension equal to his/her regular rate of compensation had he/she continued in service.

Whereas by granting this status, John Coburn’s son, Joseph L. Bryson III, would rise to the top of the state civil service list directly under the disabled veterans and regular veterans.

Whereas Mr. Coburn in no way seeking any monetary increases or benefit that would add to Mr. Coburn’s disability pension.

Therefore the Saugus Town Meeting hereby votes to petition the Massachusetts Legislature to grant 402B status to Saugus resident and former Saugus Police Sergeant John Coburn.

(John Coburn)

Article 19. To see if the Saugus Town meeting will vote to amend Section 212.00 of the Bylaws of the Town of Saugus referred to as “Duty of Moderator” that currently includes #1 on the list below and adding duties 2 – 8.

212.00 Duty of Moderator

- 1.) It shall be the duty of the Moderator to request all persons not Town Meeting members to retire from such portion of the hall as may be designated by the Moderator to be occupied by Town meeting members during transaction of all Town business.
- 2.) It shall be the duty of the Moderator to read all articles and announce all votes without offering interpretive statements, judgments or commentary.
- 3.) It shall be the duty of the Moderator to ensure that members of Town Meeting will not be referred to by their names, unless being recognized by the Moderator.
- 4.) It shall be the duty of the Moderator to read and explain the purpose of the code of ethics for Town Meeting Members at the beginning of the first Town meeting following a town election in the beginning of each Annual Town Meeting.
- 5.) It shall be the duty of the Moderator to refrain from providing subjective interpretation, judgment, or commentary on any articles prior to and during the consideration by the Town Meeting.
- 6.) It shall be the duty of the Moderator to assist in bringing the annual budget before the Town Meeting within the time frames specified in the Town Charter.
- 7.) In the event that the Moderator wishes to participate in the discussion and vote on an article it shall be his duty to announce prior to any deliberations that he will be participating, relinquished the gavel to a designee from the Town Meeting, and remain in the body until all action on the article is completed. If said article is tabled the Moderator may resume his position until such time as said article is taken from the table.
- 8.) It shall be the duty of the Moderator that when filling vacancies on the Finance Committee the Moderator will use a public process, such as the Town's web site or other suitable means to solicit qualified applicants from the community.
- 9.) We expect that the Moderator will not seek to influence or participate in the deliberations of the Finance Committee unless he plans to relinquish the gavel when the matter comes before Town Meeting. (Al DiNardo)

Article 20. To see if the Town will vote to declare the abandonment of the private road on the western side from Route 1, of Eagle Road, numbers 28 to 30. The current zoning is B1/B2. The BCA Company has a warehouse and owns the property along both sides of this part of the roadway and would like to use the area as a parking lot. (William Stewart)

Article 21. To see if the Town will vote to raise and appropriate a sum of money necessary for the purchase of textbooks and technology to align to the curriculum as mandated by the Department of Elementary and Secondary Education not to exceed Three Hundred Thousand dollars (\$300,000). (Saugus School Committee)

Article 22. To see if the Town will vote to raise and appropriate a sum of money to fund a master plan to evaluate and recommend future capital planning for the Saugus Public School system. (Saugus School Committee)

Article 23. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to address handicap accessibility at Saugus High School and the Ballard Early Childhood Center as mandated by the Americans with Disabilities Act. (Saugus School Committee)

Article 24. To see if the Saugus Town Meeting will vote to approve a new Archaeological Resource Bylaw.

903.00 Archaeological Resource Bylaw

1) Intent and purpose

The importance of archeology is being recognized on an international scale with the discovery of human remains and ancient technology. Scientific study of ancient to recent historic cultural resource is imperative for understanding our civilization and to teach lessons needed to evolve our present culture to form a better future. This bylaw is being offered to help prevent deliberate or inadvertent destruction of significant archaeological resource within the boundaries of the Town of Saugus.

2) Definitions

When the following terms are given they shall have these definitions:

- a) MHC: The Massachusetts Historical Commission.
- b) Archaeological Site; An area that is listed in the MHC's Inventory of Archaeological Assets of the Commonwealth.
- c) Pot Hunter(s); An individual or group of individuals who willingly disturb, destroy or plunder artifacts at an Archaeological Site.

3) Authority

The Saugus Historical Commission shall review threatened Archaeological Sites to offer recommendations to the property owner to consider mitigation of same that may avoid adverse impacts.

4) Regulation

- a) Property owners are required to submit to a review of a threatened Archaeological Site by the Saugus Historical Commission prior to applicable permits being issued.
- b) If an Archaeological Site qualifies for listing with the National Register of Historic Places, the Historical Commission may request the property owner to consider special protection of the site by mitigation or other means.
- c) Private property owners shall be exempt from enforcement fines from (5) (a) of this section.

5) Enforcement

- a) Any person(s) who trespasses on an Archaeological Site and are engaging in the act of Pot Hunter(s) are subject to fines up to \$300.00 per incident.
- b) Enforcement of fines may be levied by:
Saugus Conservation Officer
Massachusetts Environmental Police
Saugus Police
Massachusetts State Police
- c) Fines shall be assessed and collected under MGL Chapter 40 Section 21D (adopted as part of this Bylaw).

6) Severability

If any part of this Bylaw shall be found invalid in any Court of Law for any reason, the remainder of this Bylaw shall remain valid and in full force and effect.

(Timothy R. Hawkes)

Article 25. To see if the Town will vote the following:

WHEREAS, for the past three decades, a divided United States Supreme Court has erroneously transformed the Bill of Rights into a powerful tool for corporations seeking to evade and invalidate the laws, and has compromised the integrity of our democracy by striking down legislation aimed at mitigating the disproportionate influence of money in policy making; and,

WHEREAS, the expenditure of unlimited money in elections threatens to overwhelm our individual voices in the democratic process and to further facilitate the undue influence of well financed special interest in government; and,

WHEREAS, corporations can and do make important contributions to our society using unique advantages that government has granted them, corporations are not themselves members of 'We the People' by whom and for whom our Constitution was established, and are subject to regulation as the people, through their elected representatives, may deem reasonable; and,

WHEREAS, the impact of the Court's decisions in *Citizens United v. Federal Election Commission* and others will be felt at the local, state, and federal level as big campaign donors seek to dominate policy making; and,

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct clear threats to our democracy and our republican form of self-government;

NOW, THEREFORE, BE IT RESOLVED that we the citizens of Saugus, Massachusetts petition the U.S. Congress to propose an amendment to the U.S. Constitution that would affirm that corporations are not entitled to the constitutional rights of human beings, and that, since money is not speech, Congress, and state and local governments may place limits on political contributions and expenditures from any source.

AND BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to every member of the Massachusetts Congressional delegation as well as the state representatives and state senator representing the Town of Saugus.
(Karen A. Cox)

Article 26. To see if the Town will vote to amend the Town Zoning Bylaw by rezoning Lot 15700 on Assessors plan 30160 from R-1 Residential to B-1 Business. The property is located at 190 Lincoln Ave. (Richard Maltais)

Article 27. To see if the Town will vote to amend the Town's Zoning Map and Zoning By-law by rezoning Lot A-504 as shown on Assessor's plan 3014 from Single Family Residential A(R-1) to Neighborhood Business (B-1). The property is located at 80 Ballard Street. (Richard M. Magnan)

Article 28. to see if the Town will vote to amend the Town's Zoning Map and Zoning By-law by rezoning Lots A-63 and A-64 as shown on Assessor's Plan 1025A from R-2 Single Family Residential to High Rise Business and Industrial (B-2). The property is located at 315 and 313 Essex Street. (Richard Magnan)