



**TOWN OF SAUGUS**  
**JUNE 26, 2023**  
**SPECIAL TOWN MEETING**

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 **June 26, 2023 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 authorize the funding from free cash or stabilization fund, not to exceed \$66,000, to complete the land survey needed to verify if the land located across the river from the cemetery is suitable for expansion of cemetery grounds for use of burial, and additionally funding to initiate design and implementation process. (Robert Thompson, Saugus Cemetery Commission)

**Article 3.** To see if the Town will vote to appropriate a sum of money from the PEG Access Enterprise Fund for the purpose of funding capital equipment for the PEG Access studio/facility in Saugus.

Said funds to be distributed under the authority and direction of the Board of Selectmen as they see fit pursuant to the current Cable Television Renewal License Agreement between the Town and its designee a PEG access corporation. (SCTV Board of Directors)

**Article 4.** To see if the Town will vote the "Responsible Employer Ordinance" by adopting the following language:

Responsible Employer Ordinance

(a) The Selectmen hereby finds and determines that taxpayer money is most efficiently and productively spent by awarding construction contracts to firms that include and enforce provisions requiring compliance with state laws governing the payment of prevailing wages, the provision of workers compensation coverage, and the proper classification of individuals as employees and not as independent contractors, as well as state law concerning health insurance coverage and state certified apprenticeship programs. The Town Selectmen hereby further finds and determines that it is appropriate for it to exercise entrepreneurial discretion by requiring firms that are awarded such contracts to comply with this ordinance because a failure to comply is injurious to the life, health and happiness of individuals employed by such firms and is deleterious to the quality of life in the Town where most of such individuals reside.

(b) Whenever the Town of Saugus is procuring construction services subject to the provisions of G.L. chapter 149 and chapter 149A the following shall be incorporated into the procurement documents and made part of the specifications and contract. Any person, company or corporation shall acknowledge, in writing, receipt of said requirements with their bid or proposal.

(c) All bidders or proposers and all subcontractors and trade contractors, including subcontractors that are not subject to G.L. c. 149, §44F, under the bidder for projects subject to G.L. c. 149, §44A(2), and proposers under G.L. c. 149A, shall as a condition for bidding or subcontracting verify under oath and in writing at the time of bidding or submittal in response to an RFP or in any event prior to entering into a subcontract at any tier, that they comply with the following conditions

for bidding or subcontracting and, for the duration of the project, shall comply with the following obligations:

(1) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must comply with the obligations established under G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees.

(2) In order to ensure efficient use of taxpayer dollars, minimize waste, and promote worker safety and fair treatment of workers, the Town finds it necessary to ensure that contractors and subcontractors engaged to perform work on the Town's behalf participate in the training of apprentices in the respective trades. Moreover, it is important to help ensure the continued presence of the skilled, trained workers who will be necessary to work on Town construction over the next decade.

Therefore, the bidder or proposer and all trade contractors and subcontractors\* under the bidder or proposer must certify that at the time of bidding that it/they maintain or participate in a Bona Fide Apprentice Training Program ("BFATP"). A BFATP is one that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyman status for at least three of the past five years. To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying that it participates in a BFATP for each trade or classification listed. If the firm participates in a recently formed apprenticeship program for a trade or craft it employs, it may satisfy the training requirement of this certification by providing documentation showing that the program in which it participates: (i) has been established within the past five years; (ii) is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency; and (iii) provides bona fide apprenticeship training to participants and is in compliance with the standards and requirements applicable to registered apprenticeship programs under 29 C.F.R. 29, including the requirement under these rules to maintain as at least one registered apprentice in accordance with the guidelines of 29 C.F.R. 29.6(a). Any bid submitted without the above certification shall be rejected.

(3) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must maintain appropriate industrial accident insurance coverage for all employees on the project in accordance with G.L. c.152;

(4) The bidder or proposer and all trade contractors and subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. (G.L. c.149, §148B on employee classification);

(5) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must at the time of bidding certify that, at the time employees begin work at the worksite, all employees will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration, and shall ensure that all employees working at the worksite possess such qualifications at all times throughout the duration of their work on the project and furnish documentation of successful completion of the course;

(6) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under the statute by the Commonwealth Health Insurance Connector Authority.

(7) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must make arrangements to ensure that each employee of every contractor entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign in/out logs shall be provided to the Procurement Officer, Building Commissioner and Town Engineer on a bi-weekly basis, and shall be verified by the Procurement Officer or by his or her designee.

(8) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer, prior to bidding or, if not subject to bidding requirements, prior to performing any work on the project, shall sign under oath and provide to the Town a certification that they are not debarred or otherwise prevented from bidding for or performing work on a public project in the Commonwealth of Massachusetts or in the Town.

(d) A proposal or bid submitted by any general bidder or by any trade contractor or subcontractor under the general bidder or proposer that does not comply with any of the foregoing conditions for bidding shall be rejected, and no subcontract for work outside the scope of G.L. c. 149, §44F shall be awarded to a subcontractor that does not comply with the foregoing conditions.

(e) All bidders or proposers and all trade contractors and subcontractors under the bidder or proposer who are awarded or who otherwise obtain contracts on the projects subject to G.L. c. 149, §44A(2) or c. 149A, shall comply with each of the obligations set forth in this ordinance for the entire duration of their work on the project, and an officer of each bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

(f) Any proposer, bidder, trade contractor or subcontractor under the bidder or proposer who fails to comply with any one of obligations set forth in this section for any period of time shall be, at the sole discretion of the Town, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the Town in the amount of 5% of the dollar value of the contract .

(g) In addition to the sanctions outlined in the sections above, a proposer, general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to G.L. c. 149, §44F. Any contractor or subcontractor that has been determined by the Town or by any court or agency to have violated any of the obligations set forth in this section shall be barred from performing any work on any future projects for six months for a first violation, three years for a second violation and permanently for a third violation. (Robert Camuso Sr., Town Meeting Member, Precinct 2)

**Article 5.** To see if the Town will vote to amend the zoning map by changing the zoning classification of Assessors parcel 010.D-0001-0006.0, located at 39R Forest Street, from Residential 2 to the Business Highway Residential District as shown on the plan or what it will do in relation thereto. (Anthony Cogliano, Board of Selectmen)