

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 June 7, 2004 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 raise and appropriate or transfer from available funds a sum of money to fund the cost of a water bond issuance. (Town Manager)

Article 3. 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 4. To see if the Town will vote to raise and appropriate or transfer from available funds \$72,9995.00 to fund the sick leave accumulation of retired Fire Chief Walter Newbury and Police officer Frank Pantalone, who will be retiring at the end of June 2004. The source of funding will be the Sick Leave Buy Back Account. (Town Manager)

Article 5. To see if the Town will vote to accept MGL Chapter 59 Section 5 Clause 41D, which will permit the assessors to increase the base amount of the income and asset limits annually, for those applying for a Clause 41C exemption, which is for certain senior citizens, by the Cost of Living Adjustment (COLA) as determined annually by the Commissioner of Revenue. (Town Manager)

Article 6. To see if the Town will vote to re-establish 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. This revolving fund is established pursuant to MGL C. 44 s. 53E ½. (Town Manager)

Article 7. To see if the Town will vote to re-establish a revolving fund for Vitale Memorial Park whereby the established fees for Fiscal Year 2005 will be used for the operating expenses in connection with the maintenance of the facility. This revolving fund is established pursuant to MGL C. 44 s. 53E ½. (Town Manager)

Article 8. To see if the Town will vote to re-establish a special revenue fund for the purpose of funding landfill-closing costs. Established fees will be used to fund future expenses in connection with closing the Saugus Landfill. This special revenue fund is established pursuant to MGL C. 44 s. 53A. (Town Manager)

Article 9. To see if the Town will vote to re-establish a special revenue fund for the Wetland Protection Act filing fees whereby the established fees for Fiscal Year 2005 will be used for operating expenses in connection with the enforcement of the Wetland Protection Act. This special revenue fund is established pursuant to MGL C. 43 s. 218 (Town Manager)

Article 10. To see if the Town will vote to re-establish 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. This revolving fund is established pursuant to MGL C. 44 s. 53E ½. (Town Manager)

Article 11. To see if the Town will vote to re-establish 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. This revolving fund is established pursuant to MGL C. 44 s. 53E ½. (Town Manager)

Article 12. To see if the Town will vote to re-establish 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. This revolving fund is established pursuant to MGL C. 44 s. 53E ½. (Town Manager)

Article 13. To see if the Town will vote to amend Article 5.6 Table of use regulations to be added accessory use 11 by adding:

Garaging or parking of not more than one commercial motor vehicle, boat, boat trailer or camper on a lot containing less than 10 dwelling units, or not more than one such boat or vehicle for each 10 dwelling units on a lot containing more than 10 dwelling units which boat or vehicle may not exceed 14000 GVWR and which boat or vehicle shall be screened from all streets and adjoining properties.

Screening shall consist of,

- a. Garaging
- b. Living fence
- c. Fencing not to exceed town zoning

Exclusions,

- a. On the construction site of a holder of a valid Town of Saugus Building Permit, where work is being performed.
- b. Subdivision or Site Plan Review
- c. Resident lobsterman with proper Town and State Licensing
- d. Emergency vehicle working for the Town of Saugus
- e. Rental Moving Van, or Recreational Vehicle not to exceed 3 days in any 90-day period.

Fines. \$100. Per Diem for each violation.
(Robert Hoffman, Building Committee)

Article 14. 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 15. To see if the Town will vote to re-authorize 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 16. To see if the Town will vote to accept MGL Chapter 59 Section 5 Clause 17E to permit the assessors to increase the base amount of the assets for those applying for a C1 17D exemption, which is the Surviving Spouse, Senior over 70, Minors, by the Cost of Living Adjustment annually as determined by the Commissioner of Revenue. (Town Manager)

Article 17. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay for general maintenance and upkeep of the buildings and grounds at the Riverside Cemetery. Source of funds to be the Cemetery Land Sales Account. (Town Manager as a courtesy to the Cemetery Commission)

Article 18. To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$450,000.00 to cover the balance of the sewer project for the design, repair, replacement and or installation of sewer pipelines, locations include but not limited to Cliff Road and Anderson Way; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. The total cost of the project to be \$700,000.00; \$250,000.00 of which was voted on and approved at the May 6, 2002 Annual Town Meeting held on June 18, 2002. (Town Manager)

Article 19. To see if the Town will vote to raise and appropriate a sum of money for the purpose of participation in Help for Abused Women and Their Children, Inc. (HAWC) or take any other action relative thereto. (Town Manager, as a courtesy to HAWC)

Article 20. 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 improvement to water pipelines. (Director of Public Works)

Article 21. To see if the Town will vote to petition the legislature to accept the following:

**PETITION FOR A SPECIAL ACT REGARDING THE SAFE PLACEMENT OF
NEWBORNS AND INFANTS IN THE TOWN OF SAUGUS.**

Section 1. ACCEPTANCE OF NEWBORNS AND INFANTS PLACED BY PARENTS OR LAWFUL AGENTS OF PARENTS WITH AUTHORIZED EMPLOYEES OF DESIGNATED FACILITIES.

Notwithstanding the provisions of any general or special law to the contrary and in order to promote the public good, the Massachusetts Department of Social Services (“department”) shall accept for placement into foster care any newborn or infant child seven (7) days of age or younger (“newborn or infant” or “child”) that is voluntarily placed with a hospital emergency room licensed under general laws Chapter 111, Section 51 in the Town of Saugus, (“designated facility”) or left at a police station in the Town of Saugus, or at a fire station in the Town of Saugus for transport to such hospital emergency room (by activating the EMS system) by a parent of a newborn or infant or by a legal agent of said parent. A voluntary placement under these provisions shall not constitute an automatic termination of parental rights or an abrogation of parental rights or responsibilities but shall, for purposes of authorizing the department to initiate a petition to terminate parental rights under general laws Chapter 210, be presumed to be an abandonment of the newborn or infant that has been so placed. A hospital emergency room receiving a newborn or infant shall immediately notify the department of the placement of a newborn or infant (“notice”). Upon receiving a notice the department shall take physical custody of the newborn or infant immediately and shall initiate all actions authorized by law to achieve the safety and permanency of the newborn or infant in a manner that is consistent with the best interests of the child; provided however, that if the newborn or infant is in need of emergency or other medical care, the department shall not take immediate physical custody of the child until such care has been fully administered and completed to the hospital emergency room’s satisfaction. The department shall develop and implement a protocol of communication and procedure to facilitate the placement of and provide for the custody and care of a newborn or infant. If a person claiming to be a parent or lawful agent of a parent of a newborn or infant left with a designated facility submits a request to the department for reunification with the newborn or infant, the department shall institute the procedures currently authorized by law to identify, contact, and investigate such person or agent in order to determine, pursuant to the applicable provisions of law, if reunification is in the best interests of the child, or if it is in the best interests of the child to terminate the parental rights of the parent.

Each hospital emergency room in the Town of Saugus shall designate members of the emergency room staff authorized (“authorized employee”) to take physical custody of a newborn or infant under these sections, and one (1) such nurse shall be on duty during regular business hours. Each hospital emergency room shall designate and are in the emergency room where physical custody of a newborn or infant may be taken. Each police station in the Town of Saugus and fire station in the Town of Saugus shall, to the greatest practical extent that does not interfere with the primary functions of the police station or fire station, shall be authorized to activate the EMS system for the purpose of transfer to the hospital emergency room on receipt of physical custody of a newborn or infant under these sections.

Authorized employees at the designated facility or the EMS system shall make every effort to solicit the following information from the parent or lawful agent who is placing the newborn or infant: (1) the name of the child, (2) the name and address of the parent placing the child, (3) name and address of the parent absent from the placement of the child for the purposes of notification and protecting the absent parent’s constitutional rights with regard to parenting, (4) name and address of the person leaving the child, if not a parent (5) the location of the child’s birthplace, (6) the medical histories of the child and parents including, but not limited to, birth and medical records, if available, and (7) any other information that might reasonably assist the department or the courts of the Commonwealth in current and future determinations of the best interests of the child, including whether or not the parent plans to seek future custody of the child. The authorized employee receiving the newborn or infant shall encourage the parent or lawful agent of the parent to provide the requested information in order to ensure that the child’s best interests are served, but the parent or lawful agent is not required to provide such information. The department and the designated facility shall maintain copies of forms and records, if any, collected or created as a result of placements made under these sections, and shall adhere to all applicable laws, rules, and regulations regarding the confidentiality of such forms and records provided, however, that all information pertaining to the medical history of the newborn or lawful agent shall be forwarded by the designated facility to the department in order to facilitate the safe and permanent placement of a child by the department.

These authorized employees shall provide the parent or lawful agent with a numbered identification bracelet. The bracelet shall be used to link the parent to the child for identification purposes only and shall not be construed to authorize the person in possession of the bracelet to take custody of the child on demand. If parental rights have not been terminated, possession of a bracelet linking the parent or agent to a newborn or infant left with an authorized employee shall

create a rebuttable presumption that the parent or lawful agent has standing to participate in a custody hearing for the child but shall not create a presumption of maternity, paternity or custody.

Envelopes containing the above information (pamphlet, medical history form, and identification bracelet) should be provided to all fire and police stations for distribution as needed.

Section 2. PLACEMENT OF NEWBORNS AND INFANTS BY PARENTS OR LAWFUL AGENTS OR PARENTS WITH AUTHORIZED EMPLOYEES OF DESIGNATED FACILITIES.

The act of leaving an unharmed newborn or infant with an authorized employee of a designated facility does not, by itself, constitute a basis for a finding of abuse or neglect of the child pursuant to the laws of the Commonwealth, nor does it, by itself, constitute a violation of criminal statutes for child abuse and neglect or for abandonment under General Laws Chapter 119, Section 39 when there is additional evidence that the person who left the child intended that the child be safe from physical injury or harm. If there is suspected child abuse or neglect that is not based solely on the newborn or infant having been left with an authorized employee of a designated facility in compliance with these sections, the personnel of the designated facility who are mandated reporters under General Laws, Chapter 119, Section 51A, must report the abuse or neglect.

Section 3. INFORMATION PROGRAM.

There shall be a public information program regarding the procedures stated in these sections including, but not limited to, the development of a pamphlet describing these aforesaid procedures, the rights and responsibilities of the parent(s) and extended family members, the legal consequences of placement of a newborn or infant into foster care, the relevant telephone numbers of the department or its agents and family preservation services.

Such a public information program shall be funded by grants and donations not limited to, but including those from the United States Department of Health and Human Services pursuant to the Promoting Safe and Stable families Program.

Section 4. HARMONIOUS CONSTRUCTION.

This act shall be construed harmoniously to the extent practicable with any other general or special law such that all such legislation effectively provides the greatest level of safety for newborns and infants and the greatest level of equity and fairness to parents and lawful agents.

Section 5. SEVERABILITY.

If any provision of these sections or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of these sections and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Section 6. EFFECTIVE DATE.

The provisions of these sections shall be effective immediately upon passage.

(Board of Selectmen, as a courtesy to Jean and Michael Morrisey)

Article 22. To see if the Town will vote to amend the Town by-laws by adding the following By-law:

Replacement of existing utility poles

- A. A distribution company or a telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs, and the removal of the existing pole from the site within ninety (90) days from the date of installation of the new pole; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one (1) year, said company shall be required to removal such pole within six (6) months from the date of installation of the new pole.

- B. All double poles shall be removed within ninety (90) days from the installation of the new pole or for any approved commercial or industrial construction project expected to take longer than one (1) year, within six (6) months from the installation of the new pole.
- C. Any distribution company or telephone company in violation of this section shall be subject to a fine of \$100 per day for each day of the violation. (Board of Selectmen)

Article 23. To see if the Town will vote to raise and appropriate a sum of money to purchase a new equipped ladder truck for the Fire Department, as voted on at the November 5, 2002 Election. (Walter Newbury, Fire Chief)

Article 24. To see if the Town will vote to amend the By-laws as follows:

By adding a new section to Section 601 "Public Ways" to be 601.15.

"No resident, student or taxpayer in the Town of Saugus shall be charged a fee for parking on public property to attend school, public meetings or to conduct business with the Town of Saugus." (Peter Manoogian)

Article 25. To see if the Town will vote to amend the By-laws as follows:

By adding a new paragraph to Section 600.00 "Public Safety" to be 601.02C.

"No fee shall be established for curbside rubbish removal or recycling without the establishment of a by-law establishing such a fee and the enforcement of such a fee. This provision shall not apply to yard waste, heavy items, white good or household hazardous waste." (Peter Manoogian)

Article 26. To see if the Town will vote to have the Town Moderator establish a committee of nine (9) people to investigate funding strategies for probable school building renovation and/or rebuilding projects. The committee will consist of three (3) people appointed by the Town Moderator, three (3) people appointed by the chairman of the board of Selectmen, and three (3) people appointed by the chairman of the School Committee. The committee's charge will be to evaluate school building conditions, predict building life expectancies and develop options for responding to deficiencies. These options will be analyzed in the course of developing a range of estimated costs, leading to a determination of financial needs. Finally the committee will develop a strategic plan to finance building projects. This plan will take into account the town's debt capacity and its revenue and expense trends that will impact the amount of money available for capital projects. The final report will be approved by a majority vote of the committee and presented to the Town Meeting in 2005. (Roger Sacilotto)

Article 27. To see if the Town will vote to amend the Town By-laws by adding the following to Section 807 (b):

The Licensee shall be responsible for the payment of the publication of the legal notice of any hearing scheduled under the provisions of this section. Said costs shall be added to any sums due from the Licensee under the provisions of this By-law. (Board of Selectmen)

Article 28. To see if the Town will vote to amend the By-laws, section 801.02 and 801.03 taxi license as follows:

Under section 801.02, last paragraph, deleting "*twenty-five dollars (\$25.00)*" and inserting the following "*one hundred dollars (\$100.00)*" for each vehicle....

Under section 801.03, after the words "a fee of" delete "*ten dollars (\$10.00)*" and insert the following "*one hundred dollars (\$100.00)*" shall be paid....
(Lt. Stephen Sweezey)

Article 29. To see if the Town will vote to amend the Town By-laws, Sections: 102.00, 601.09, 603.02 subsection 3 and others deemed appropriate to replace the outdated fines.
(Lt. Stephen Sweezey)

Article 30. To see if the Town will vote to amend the Charter of the Town of Saugus (Ch 17 of the Acts of 1947) as follows:

Strike out the entire present subsection "h" of Section 13 and replace it with the following:

“While the Town Manager shall have jurisdiction over the use, maintenance and repair of all such town property, including school buildings, no structure or land presently owned by the Town shall be rented or leased to any private, corporate, or non-profit entity without the approval of two-thirds of the Saugus Town Meeting. The request for approval must be accompanied by a detailed proposal outlining the offer, acceptance and consideration relative to such rental or lease. The Town Manager shall also be responsible for the preparation of plans and the supervision of work on existing buildings or on the construction of new buildings.” (Peter Manoogian)

Article 31. To see if the Town will vote to amend the Town of Saugus Charter (Ch 17 of the Acts of 1947) as follows:

By adding to clause “C” of section 13 the following sentence:

“In the event that the manager fails to nominate a candidate to a multimember town board within thirty days of a vacancy or term expiration the Board of Selectmen may, at an open session and by call of the roll, fill the appointment by a majority vote.” (Peter Manoogian)

Article 32. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$17,500.00 to fund a Special Election. (Town Clerk)

Article 33. To see if the Town will vote to amend the Zoning By-laws, Article VII, section 7.3. GENERAL REQUIREMENTS – ALL SIGNS, by inserting in section 7, in the second line, after “Grabowski field”, the following: “World Series Park”.

The new paragraph 7 to read as follows:

Temporary signs visible from the public way that are attached to the inside area only of the fence at Grabowski Field, World Series Park and the little league field at Oaklandvale School that do not exceed 4’ x 4’ in square dimensions and that are placed between the dates of April 1st and September 30th shall be permitted with the approval of the Town Manager. Note: Attorney General’s Office approval state: “this approval does not constitute an approval of the use of temporary signs by anyone other than the town without full compliance with all legal requirements. Mass. Const. Amend Art. 18”. (Robert Davis)

Article 34. To see if the Town will vote to amend Article 8 of the Town of Saugus Zoning By-laws by adding a new section.

Section 8.10.

Garaging or parking of not more than one commercial motor vehicle, boat, boat trailer or camper on a lot containing less than 10 dwelling units, or not more than one such boat or vehicle for each 10 dwelling units on a lot containing more than 10 dwelling units which boat or vehicle may not exceed 14000 GVWR and which boat or vehicle shall be screened from all streets and adjoining properties.

Screening shall consist of,

- d. Garaging
- e. Living fence
- f. Fencing not to exceed town zoning

Exclusions,

- f. Holder of a valid construction Town of Saugus building permit,
- g. Resident lobsterman with proper town and state licensing doing business at Vitale Landing,
- h. Emergency vehicles working for the Town of Saugus

Fee Structure (fine)

\$100.00 per day.

(Robert Hoffman, Building Committee)

Article 35. To see if the Town will vote to amend the Town’s Zoning Map and Zoning By-law by rezoning Lots A-2, A-33 and A-34 on assessors Plan 1019 (also shown as Lot 2 Block 5 Map E7) from I Industrial * to R-4 Residential Multi Density. Property located at 48 Denver Street. *And Light Industrial. (Richard Magnan)

Article 36. To see if the Town will vote to amend the Zoning By-laws and Zoning Map by rezoning the following:

- 1) Lot A122, Old Assessor's Plan 1021 (New Plan D-7, Block 16, Lot 24 containing 29, 975 S.F.),
- 2) Lot A123 & Lot A151, Old Assessor's Plan 1021 (New Plan D-7, Block 16, Lot 23 containing 8,100 S.F.),
- 3) Lot A174, Old Assessor's Plan 1021 (New Plan D-7, Block 16, Lot 22 containing 7,500 S.F.),
- 4) Lot A124, Old Assessor's Plan 1021 (New Plan D-7, Block 16, Lot 21 containing 2.35 Acres),
- 5) Lot A141.1, Old Assessor's Plan 1021 (New Plan D-7, Block 16, Lot 20 containing 10,080 S.F.),
- 6) Lot A139, Old Assessor's Plan 1021 (New Plan D-7, Block 16, Lot 19 containing 27,950 S.F.),
- 7) Lot A125, Old Assessor's Plan 1021 (New Plan D-7, Block 16, Lot 18 containing 12,192 S.F.),

All, from Residential A, Single-Family R-1, to Residential Multi-Density, R-4.

Properties are located at 101, 105, 107, 111, 113, 115, and 0 Vine Street. (Allan Huberman)

Article 37. To see if the Town will vote to amend the Zoning By-laws and Zoning Map by rezoning all of Lots A10, A11, A12, A13, A15, A58 and A60; Plan 2030 (old Assessor's Map), being the lots on new Assessor's Map, D6, Block 1, Lot 1, Lot 2, Lot 3, Lot 6, Lot 7 and Lot 9 from High-rise Business and Industrial and Residential 2 (R2) Single Family to Residential 4, Multi Density, Collins Ave. (George O. Gregson)