

**ANNUAL TOWN MEETING
MINUTES
June 11, 2012**

Town Moderator, Robert J. Long, called the fourth session of the 2012 Annual Town Meeting to order on June 11, 2012 at 7:32 p.m. at the Town Hall Auditorium, 298 Central Street, Saugus, MA with 39 members, plus the moderator present.

Joyce Rodenhiser and Jeffrey Moses were appointed and sworn as tellers.

Peter Rossetti will, as a courtesy, be making motions this evening.

Town Moderator Robert J. Long led the meeting in the Pledge of Allegiance.

Assistant Town Clerk, Marianne Moses, called the roll.

Town Meeting Member name	Present /Absent	Town Meeting Member name	Present /Absent	Town Meeting Member name	Present /Absent
ALLAN, P.	p	FALASCA, T.	p	MORIELLO, G.	a
ATTUBATO, J	p	FOWLER, J.	p	MOSCHELLA, D.	a
BARTOLO, J.	p	GILLIS, J.	p	MOSES, J.	p
BILLINGLSEY, S.	p	GOODWIN, P.	p	PALCZYNSKI, J.	a
BOESEL, E.	a	GROARK, L.	p	PETKEWICH, P.	p
BROOKS, W.	p	HAWKES, T.	p	POLITANO, K.	p
CARLSON, E.	p	JOHNSON, P.	p	RING, D. S.	p
CICOLINI, J.	p	JONES, W.	a	RODENHISER, J.	p
CONNORS, A.	a	KRAMICH, W.	p	ROSSETTI, P.	p
COTTAM, D.	p	LEUCI, J.	p	SERINO, A.	p
D'ANNA, S.	p	LONG, R.	p	SPENCER, B.	p
DEVER, M.	p	LOPRESTI, A.	a	STEWART, W.	p
DEVLIN, F.	p	MALONE, B.	a	SULLIVAN, B.	p
DINARDO, A.	p	MALTAIS, S.	p	SWEEZEY, S.	p
DOCKERY, M.	p	MANOOGIAN, P.	p	VADALA, P.	p
DOHERTY, S.	p	MCCARTHY, S.	a	VECCHIO, M.	a
FAIELLA, E.	p	MCLAUGHLIN, P.	p	Quorum count=	40

With 40 members present, a quorum is met.

The Moderator explained that the Finance Committee has been meeting a on regular bases and the budget process has begun. Mr. Long further stated that he encourages all members to attend FinCom meetings when possible. However, he realizes that due to personal and professional obligations, many Town Meeting members are not always available to attend the scheduled meetings. Therefore, anyone interested in viewing them may do so by going to the Saugus Community Television (SCTV) website at <http://saugustv.org/> or by contacting SCTV at 781-231-2883. A list of scheduled programs is also available in the Saugus Library, Town Hall and the Saugus Senior Center.

Mr. Long stated that he would like to have a vote to take the following articles out of order this evening: 14, 18, 25, 26, 34, 35, 36, 37, and 38.

Tellers distributed handouts.

Janet Leuci asked that Article 36 be taken first this evening.

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

Finance Committee Chairman, Robert Palleschi, gave a report of the Committee and reviewed their votes.

Janet Leuci moves to take Article 36 out of order.

Seconded at 7:53 p.m.

Unanimous voice vote to take Article 36 out of order at 7:53 p.m.

Mrs. Leuci moves Article 36.

Seconded at 7:54 p.m.

Article as written:

Article 36. To see if the Town will vote to amend the General By-laws of the Town by adding the following as Section 516.00

A BY-LAW REGULATING THE SECURITY AND MAINTENANCE OF VACANT AND DILAPIDATED BUILDINGS.

I. Purpose

The Town has found that vacant and dilapidated buildings are at a greater risk of deterioration, pest infestation, fire, criminal trespass, and violations of state and local building codes and sanitary codes. The purpose of this by-law is to assist the Town in protecting and preserving public health and safety of its residents by requiring that the Town be notified of these vacant and dilapidated buildings and to allow the Town to recover the costs associated with the monitoring and inspecting said properties.

II. Definitions

For purposes of this By-law:

- a. "Days" shall mean consecutive calendar days.
- b. "Property" shall mean any residential, commercial or mixed use real property or portion thereof, including but not limited to the land, structures and buildings thereon, located in the Town of Saugus.
- c. "Mortgagee" shall mean the creditor and/or lender in a mortgage agreement, including but not limited to any agent of the creditor and/or lender, service company, employee of the creditor and/or lender, or any successor-in-interest and or assignee of the rights, interests or obligations of said creditor and/or lender.
- d. "Notice" shall mean the sending of a letter via certified mail, return receipt requested, by the inspectional services Department to the Owner of a Property or to the address of the Property informing said Owner that said Property has been deemed Vacant and dilapidated. The date of Notice shall be deemed the date of the letter sent.
- e. "Vacant and Dilapidated" shall mean a building or structure on a Property that is not lawfully occupied and deemed in violation of relevant sanitary codes, building codes, state or local regulations or laws by the inspectional Services Department and as a result of said violation(s), has been deemed by the Inspectional Services Department to be a threat to the health and safety of the community.
- f. "Owner" shall mean: every person, entity, service company, property manager of real estate broker who alone or severally with others (1) has legal or equitable title to any Property, or (2) has care, charge or control of any Property in any capacity, including but not limited to, agent, executor, executrix, administrator, administratrix, trustee, conservator or guardian of an estate or the holder of legal title, or (3) is a Mortgagee in possession of any such Property; or (4) is an agent, trustee, conservator, guardian, or other person appointed by the courts and vested with possession or control of any such Property; or (5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, this by-law shall not apply to a condominium association created pursuant to M.G.L. Chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or (6) every person who operates a rooming house or is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

III. Registration of Vacant and Dilapidated Property

- a. Within forty-five (45) days after Notice by the Inspectional Services Department by certified mail return, receipt requested, that a Property has been deemed Vacant and Dilapidated by the Inspectional Services Department the Owner shall register the Vacant and Dilapidated Property with the Inspectional Services Department, on forms provided by the Inspectional Services Department, with the name, address and telephone number of each owner of the Property, the street address of the Property and the Assessor's map and lot number for the Property. The registration fee as set forth below shall accompany said registration.
- b. If the Owner is not an address within the Commonwealth of Massachusetts, the registration shall also include the name, address, and telephone number of a person who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the Owner and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting public health, safety or welfare and of service of any and all notices issued pursuant to this by-law and other laws and regulations of the Commonwealth of Massachusetts and the Town of Saugus.
- c. Failure to register a Vacant and Dilapidated Property in a timely fashion according to this by-law shall be a violation of this by-law.

- d. Once the property is no longer Vacant and Dilapidated or is sold, the Owner must provide proof of sale or written notice of occupancy to the Inspectional Services Department.

IV. Registration Fees

- a. Within forty-five (45) days after Notice by the Inspectional Services Department that a Property has been deemed Vacant and Dilapidated by the Inspectional Services Department, Owner of such Vacant and Dilapidated Property shall, in addition to registering said Property, pay to the Inspectional Services Department a registration fee to cover the administrative costs of monitoring such Vacant and Dilapidated Property in the amount of one hundred and fifty dollars (\$150). The initial fee and registration shall be valid for the remaining portion of the calendar year in which the registration was initially required. Initial Registrations occurring on or after July 1st of initial registration year shall be at a rate of 50% of the initial registration fee set forth above. Subsequent registrations and fees are due on the 1st day of January of each year thereafter according to the following schedule:

For Property Vacant and Dilapidated for:

1) Less than one year:	\$250.00
2) One Year or more but less than two years:	\$500.00
3) Two years or more:	\$1,000.00

V. Billing

- a. On or before November 15th of each calendar year, the Town shall send a billing statement setting for the required registration fee to each Owner of a Vacant and Dilapidated Property. Notwithstanding the foregoing, the registration fee set forth above shall be due and payable on or before January 1st of each year regardless of delivery or receipt of said billing statement.

VI. Maintenance Requirement

- a. Properties subject to this by-law must be maintained in accordance with all applicable sanitary codes, building codes and local by-laws and regulations.
- b. All Vacant and Dilapidated Property must be locked and otherwise adequately secured, including but not limited to the repair and boarding up of any broken doors and windows, so as to prevent unauthorized access into the building and to maintain public health, safety, security and welfare of Town residents.
- c. Adherence to this by-law shall not relieve the Owner of any other applicable obligations set forth in local by-laws or regulations, covenant conditions and restrictions, or homeowner's association rules and regulations. The provisions of this by-law are in addition to, and not in lieu of, any and all other applicable federal, state and local laws and regulations.
- d. In addition to the remedies provided herein, the failure to maintain and secure Vacant and Dilapidated Properties adequately may result in direct action by the town in accordance with Massachusetts General Laws Chapter 111, Massachusetts General Laws, Chapter 139, Massachusetts General Laws Chapter 143, Massachusetts General Laws Chapter 148 and other applicable provisions of law and regulations. Such actions may include, but are not limited to the following: removal, abatement, destruction, prevention of conditions deemed to constitute nuisances, sources of filth or causes of sickness; demolition, removal repair, and/or cleaning of any structure which fails to comply with standards of habitability or other applicable laws or regulations so as to endanger or materially impair the health or well-being of the public; and, obtaining court-ordered warrants, injunctive relief, and orders of abatement.
- e. In accordance with applicable law and regulation all costs incurred by the town in taking action pursuant to this paragraph or this by-law shall constitute a debt to the Town and a lien upon the Property in questions.

VII. Inspections

- a. The Inspectional Services Department shall have the authority and the duty to inspect Property subject to this by-law for compliance and to issue Notice and citations for any violations. The Inspectional Services Department shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this section is enforced.
- b. Anyone with information regarding potential Vacant and Dilapidated Property may notify the Inspectional Services Department with said information so that the Inspectional Services Department may conduct inspections in accordance with the preceding paragraph.

VIII. Enforcement and Penalties

- a. Failure to initially register with the Inspectional Services Department is punishable by a fine of three hundred dollars (\$300.00).
- b. Failure to maintain the Property pursuant to the Maintenance Requirements of this by-law is punishable by a fine of up to three hundred dollars (\$300.00) for each month and the Property is not adequately maintained.

IX. Appeal

- a. Any owner assessed a registration fee under this by-law shall have the right to appeal the imposition of such fee to the Saugus Board of Health upon the filing of an application in writing no later than fifteen days after mailing of the billing statement under appeal. Said appeal request shall be accompanied by a non-refundable fifty dollar (\$50.00) filing fee. Said appeal shall be limited to how long the property has been vacant and dilapidated. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision is adverse to the Owner, the payment shall be due within ten (10) calendar days after issuance of the decision of the Board of Health.

X. Severability

- a. If any provisions of this by-law is declared invalid or unenforceable, the remaining provisions herein shall not be affected and shall remain in full force and effect.

(Affordable Housing Trust and Board of Health by-law Subcommittee)

William Kramich moves to amend Article 36 in Paragraph III. C. by striking out the words, “in a timely fashion according to this by-law” and inserting the words, “in the time frame set forth in paragraph III a. above”.

Section III c. will read as follows: “Failure to register a Vacant and Dilapidated Property in the time frame set forth in paragraph III a. above shall be a violation of this by-law.”

Seconded at 7:55 p.m.

Stephen Sweezey moves to amend Article 36 in Section VII b. by adding the following new wording: “Any and all person(s), shall be held harmless for providing such notice / information to any Town Officials. No penalties or civil Liabilities shall attach to those person(s), for providing such information to the Town.”

Section VII b. will read as follows:

“ Anyone with information regarding potential Vacant and Dilapidated Property may notify the Inspectional Services Department with said information so that the Inspectional Services Department may conduct inspections in accordance with the preceding paragraph. Any and all person(s) shall be held harmless for providing such notice / information to any Town Officials. No penalties or civil Liabilities shall attach to those person(s), for providing such information to the Town.”

Seconded at 7:58 p.m.

Ms. Leuci has requested that Pamela Harris, member of the Affordable Housing Trust and Board of Health by-law Subcommittee, read a prepared statement on her behalf.

Pamela Harris, 24 Pevwell Drive, proceeded to read Ms. Leuci’s statement, explaining the by-law and thanking committee members for their hard work and asks members to support the by-law.

Christopher Finn, 9 Fernwood Road, also detailed sections of the proposed by-law and stated that he would fully support the article with the proposed amendments.

Stephen Sweezey, Stephen Doherty, and Town Counsel John Vasapolli all spoke on the article.

Vote on Mr. Sweezey’s Amendment:

Yeas: 35 Nays: 2 at 8:11 p.m.

Sweezey Amendment Passed.

Peter Rossetti moves to amend Article 36 with the following clerical changes:

Paragraph II c., line 2, strike “n.” Insert “in.” So that line 2 reads “**successors-in-interest**”

Paragraph II d., lines 2-3 capitalize, “inspectional services” and “dilapidated,” so that they read “**Inspectional Services**” and “**Dilapidated.**”

Paragraph II e, Capitalize, “inspectional,” so that it reads “**Inspectional**”

Paragraph II f. , line 1, strike “of” Insert, “**or**” , so that line one reads, “ property manager **or** real estate broker.”

Paragraph III, d, line 2, strike “off”. Insert “**of**”, so that line 2 reads, “written notice **of** occupancy.”

Paragraph V. a. line 1, strike “for” Insert “**forth**”, so that line 1 reads, ...”a billing statement setting **forth** the required registration fee”...

Paragraph VI, d. line 2, capitalize the word “town”, so that it reads. ... “**Town**”

Paragraph VI, d, Insert comma after the word “**removal**,” so that it reads “demolition, removal, repair...”

Paragraph VIII, b., line 2, strike, “and.” Insert “**that**”, so that line 2 reads “for each month **that** the Property is not adequately maintained.

Paragraph IX. lines 4-5 Capitalize words, property...vacant...dilapidated..owner, so that they read, “**Property...Vacant..Dilapidated...Owner...**”

Paragraph X, a., strike “provisions”. Insert “**provision**”

Seconded at 8:19 p.m.

Vote on Mr. Kramich’s Amendment:

Yeas: 39 Nays: 0 at 8:21 p.m.

Kramich Amendment Passed.

Vote on Mr. Rossetti’s Amendment:

Yeas: 39 Nays: 0 at 8:22 p.m.

Rossetti Amendment Passed.

Article as voted:

Article 36. Voted to amend the General By-laws of the Town by adding the following as Section 516.00:

A BY-LAW REGULATING THE SECURITY AND MAINTENANCE OF VACANT AND DILAPIDATED BUILDINGS

I. Purpose

The Town has found that vacant and dilapidated buildings are at a greater risk of deterioration, pest infestation, fire, criminal trespass, and violations of state and local building codes and sanitary codes. The purpose of this by-law is to assist the Town in protecting and preserving public health and safety of its residents by requiring that the Town be notified of these vacant and dilapidated buildings and to allow the Town to recover the costs associated with the monitoring and inspecting said properties.

II. Definitions

For purposes of this By-law:

- a. “Days” shall mean consecutive calendar days.
- b. “Property” shall mean any residential, commercial or mixed use real property, or portion thereof, including but not limited to the land, structures and buildings thereon, located in the Town of Saugus.
- c. “Mortgagee” shall mean the creditor and/or lender in a mortgage agreement, including but not limited to any agent of the creditor and/or lender, service company, employee of the creditor and/or lender, or any successor-in-interest and or assignee of the rights, interests or obligations of said creditor and/or lender.
- d. “Notice” shall mean the sending of a letter via certified mail, return receipt requested, by the Inspectional Services Department to the Owner of a Property or to the address of the Property informing said Owner that said Property has been deemed Vacant and Dilapidated. The date of Notice shall be deemed the date of the letter sent.
- e. “Vacant and Dilapidated” shall mean a building or structure on a Property that is not lawfully occupied and deemed in violation of relevant sanitary codes, building codes, state or local regulations or laws by the Inspectional Services Department and as a result of said violation(s), has been deemed by the Inspectional Services Department to be a threat to the health and safety of the community.
- f. “Owner” shall mean: every person, entity, service company, property manager or real estate broker who alone or severally with others (1) has legal or equitable title to any Property, or (2) has care, charge or control of any Property in any capacity, including but not limited to, agent, executor,

executrix, administrator, administratrix, trustee, conservator or guardian of an estate or the holder of legal title, or (3) is a Mortgagee in possession of any such Property; or (4) is an agent, trustee, conservator, guardian, or other person appointed by the courts and vested with possession or control of any such Property; or (5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, this by-law shall not apply to a condominium association created pursuant to M.G.L. chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or (6) every person who operates a rooming house or is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

III. Registration of Vacant and Dilapidated Property

- a. Within forty-five (45) days after Notice by the Inspectional Services Department by certified mail return, receipt requested, that a Property has been deemed Vacant and Dilapidated by the Inspectional Services Department the Owner shall register the Vacant and Dilapidated Property with the Inspectional Services Department, on forms provided by the Inspectional Services Department, with the name, address and telephone number of each owner of the Property, the street address of the Property and the Assessor's map and lot number for the Property. The registration fee as set forth below shall accompany said registration.
- b. If the Owner is not at an address within the Commonwealth of Massachusetts, the registration shall also include the name, address, and telephone number of a person who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the Owner and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting public health, safety or welfare and of service of any and all notices issued pursuant to this by-law and other laws and regulations of the Commonwealth of Massachusetts and the Town of Saugus.
- c. Failure to register a Vacant and Dilapidated Property in the time frame set forth in paragraph III a. above shall be a violation of this by-law.
- d. Once the property is no longer Vacant and Dilapidated or is sold, the Owner must provide proof of sale or written notice of occupancy to the Inspectional Services Department.

IV. Registration Fees

- a. Within forty-five (45) days after Notice by the Inspectional Services Department that a Property has been deemed Vacant and Dilapidated by the Inspectional Services Department, Owner of such Vacant and Dilapidated Property shall, in addition to registering said Property, pay to the Inspectional Services Department a registration fee to cover the administrative costs of monitoring such Vacant and Dilapidated Property in the amount of one hundred and fifty dollars (\$150.00). The initial fee and registration shall be valid for the remaining portion of the calendar year in which the registration was initially required. Initial Registrations occurring on or after July 1st of initial registration year shall be at a rate of 50% of the initial registration fee set forth above. Subsequent registrations and fees are due on the 1st day of January of each year thereafter according to the following schedule:

For Property Vacant and Dilapidated for:

- | | |
|--|------------|
| 1) Less than one year: | \$250.00 |
| 2) One year or more but less than two years: | \$500.00 |
| 3) Two years or more: | \$1,000.00 |

V. Billing

- a. On or before November 15th of each calendar year, the Town shall send a billing statement setting forth the required registration fee to each Owner of a Vacant and Dilapidated Property. Notwithstanding the foregoing, the registration fee set forth above shall be due and payable on or before January 1st of each year regardless of delivery or receipt of said billing statement.

VI. Maintenance Requirement

- a. Properties subject to this by-law must be maintained in accordance with all applicable sanitary codes, building codes and local by-laws and regulations.
- b. All Vacant and Dilapidated Property must be locked and otherwise adequately secured, including but not limited to the repair and boarding up of any broken doors and windows, so as to prevent

unauthorized access into the building and to maintain public health, safety, security and welfare of Town residents.

- c. Adherence to this by-law shall not relieve the Owner of any other applicable obligations set forth in local by-laws or regulations, covenant conditions and restrictions, or homeowner's association rules and regulations. The provisions of this by-law are in addition to, and not in lieu of, any and all other applicable federal, state and local laws and regulations.
- d. In addition to the remedies provided herein, the failure to maintain and secure Vacant and Dilapidated Properties adequately may result in direct action by the Town in accordance with Massachusetts General Laws chapter 111, Massachusetts General Laws chapter 139, Massachusetts General Laws chapter 143, Massachusetts General Laws chapter 148 and other applicable provisions of law and regulation. Such actions may include, but are not limited to the following: removal, abatement, destruction, prevention of conditions deemed to constitute nuisances, sources of filth or causes of sickness; demolition, removal, repair, and/or cleaning of any structure which fails to comply with standards of habitability or other applicable laws or regulations so as to endanger or materially impair the health or well-being of the public; and, obtaining court-ordered warrants, injunctive relief, and orders of abatement.
- e. In accordance with applicable law and regulation, all costs incurred by the Town in taking action pursuant to this paragraph or this by-law shall constitute a debt to the Town and a lien upon the Property in question.

VII. Inspections

- a. The Inspectional Services Department shall have the authority and the duty to inspect Property subject to this by-law for compliance and to issue Notice and citations for any violations. The Inspectional Services Department shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this section is enforced.
- b. Anyone with information regarding potential Vacant and Dilapidated Property may notify the Inspectional Services Department with said information so that the Inspectional Services Department may conduct inspections in accordance with the preceding paragraph. Any and all person(s) shall be held harmless for providing such notice / information to any Town Officials. No penalties or Civil Liabilities shall attach to those person(s), for providing such information to the Town.

VIII. Enforcement and Penalties

- a. Failure to initially register with the Inspectional Services Department is punishable by a fine of three hundred dollars (\$300.00).
- b. Failure to maintain the Property pursuant to the Maintenance Requirements of this by-law is punishable by a fine of up to three hundred dollars (\$300.00) for each month that the Property is not adequately maintained.

IX. Appeal

- a. Any owner assessed a registration fee under this by-law shall have the right to appeal the imposition of such fee to the Saugus Board of Health upon the filing of an application in writing no later than fifteen days after mailing of the billing statement under appeal. Said appeal request shall be accompanied by a non-refundable fifty dollar (\$50.00) filing fee. Said appeal shall be limited to how long the Property has been Vacant and Dilapidated. The Owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision is adverse to the Owner, the payment shall be due within ten (10) calendar days after issuance of the decision of the Board of Health.

X. Severability

- a. If any provision of this by-law is declared invalid or unenforceable, the remaining provisions herein shall not be affected and shall remain in full force and effect.

Yeas: 39 Nays: 0 at 8:23 p.m.

Article 36 passed as amended.

Mr. Rossetti moves to take Articles 14, 18, 25, 26, 34, 35, 37, and 38 out of order.

Seconded at 8:29 p.m.

Yeas: 39 Nays: 0 at 8:29.5 p.m.

Articles 14, 18, 25, 26, 34, 35, 37 and 38 are voted to be taken out of order.

Mr. Rossetti moves, as a courtesy to the Finance Committee, to Indefinitely postpone Article 14.

Seconded at 8:30 p.m.

Article as written:

Article 14. 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 (HAWC) or take any other action relative thereto. (Town Manager)

Unanimous voice vote to indefinitely postpone Article 14 at 8:30 p.m.

Mr. Rossetti moves, as a courtesy to the Finance Committee, Article 18.

Seconded at 8:31 p.m.

Article as written:

Article 18. To see if the Town will vote to re-appropriate the Sewer Enterprise Revenues as voted under Article 8 at the June 13, 2011 session of the May 2011 Annual Town Meeting. The purpose of which is to reclassify the appropriation from retained earnings to the sewer usages charges as required by the Department of Revenue, or to take any other action relative thereto. (Town Manager)

Article as voted:

Article 18. Voted to re-appropriate the Sewer Enterprise Revenues as voted under Article 8 at the June 13, 2011 session of the May 2011 Annual Town Meeting to reclassify the appropriation from:

\$3,450,000.00	from Sewer Enterprise Revenue
\$753,118.00	from Retained Earnings
<u>\$475,534.00</u>	in the General Fund from Sewer Enterprise Revenue
\$4,678,652.00	Total

\$3,550,000.00	from Sewer Enterprise Revenue
\$653,118.00	from Retained Earnings
<u>\$475,534.00</u>	in the General Fund from Sewer Enterprise Revenue
\$4,678,652.00	Total

as required by the Department of Revenue.

Unanimous voice vote at 8:32 p.m.

Article 18 passed as recommended by the Finance Committee.

Mr. Manoogian moves Article 25.

Seconded at 8:35 p.m.

Article as written:

Article 25. To see if the Saugus Town Meeting will vote to amend section 501.05 of the Town of Saugus Bylaws by adding a new section that will require that Town Meeting be provided the Finance Committee Report and dollar amount recommendations at least 48 hours prior to Town Meeting voting any appropriation or borrowing.

Existing language:

501.05 Duties of Committee

The Committee may consider matters relating to the appropriation, the borrowing and the expenditure of money by the town and its indebtedness, and may make recommendations to the town, to any town board, officer or committee relative to such matters.

Proposed bylaw with amendment (In bold):

501.05 Duties of committee

The Committee may consider matters relating to the appropriation, the borrowing and the expenditure of money by the town and its indebtedness, and may make recommendations to the town, to any town board, officer or committee relative to such matters.

Any such recommendation for expenditure of money by the town and its indebtedness made to the Town Meeting must be provided by mail or hand delivery to each Town Meeting member at least 48 hours in advance of the Town Meeting when such expenditure is to be considered. Town Meeting may waive this requirement for any single appropriation with a 9/10 vote of the quorum.

(Peter Manoogian)

Mr. Manoogian explained his reasoning for the by-law and requested a roll call vote.

Albert DiNardo moved to amend Article 25 by adding “or posted on the Town website and/or a (hard copy) picked up in the Town Clerk’s office” in the third line after the word member.

Seconded at 8:45 p.m.

Mr. Rossetti stated that he had a problem with the FinCom members having to do this the night of a meeting and questioned if all members even had e-mail.

Ellen Faiella, Peter Rossetti, Town Counsel Vasapolli, Kenneth DePatto, Peter Manoogian, and Albert DiNardo, who wished to strike out “or” in his amendment, all spoke on the article.

William Stewart moves to amend the article by inserting “e-mail” in the second line after the words “must be provided by mail”.

Mr. Rossetti once again spoke on the article as well as Sean Maltais and Timothy Hawkes.

Ms. Faiella moves to amend Article 25 by deleting “9/10” in the last line and inserting “2/3 vote of quorum”.

Mr. Stewart’s Amendment is seconded at 9:14 p.m.

Vote on Stewart Amendment.

Unanimous Voice Vote at 9:14 p.m.

Stewart Amendment Passed.

Ms. Faiella’s Amendment is seconded at 9:15 p.m.

Vote on DiNardo Amendment.

Unanimous voice vote at 9:15 p.m.

DiNardo Amendment Passed.

Vote on Faiella Amendment.

Unanimous Voice Vote at 9:16 p.m.

Faiella Amendment Passed.

Mr. Manoogian withdraws his request for a roll call vote.

Article as voted:

Article 25. Voted to amend section 501.05 of the Town of Saugus Bylaws by adding a new section that will require that Town Meeting be provided the Finance Committee Report and dollar amount recommendations at least 48 hours prior to Town Meeting voting any appropriation or borrowing.

Existing language:

501.05 Duties of Committee

The Committee may consider matters relating to the appropriation, the borrowing and the expenditure of money by the town and its indebtedness, and may make recommendations to the town, to any town board, officer or committee relative to such matters.

Proposed bylaw with amendment (In bold):

501.05 Duties of committee

The Committee may consider matters relating to the appropriation, the borrowing and the expenditure of money by the town and its indebtedness, and may make recommendations to the town, to any town board, officer or committee relative to such matters.

Any such recommendation for expenditure of money by the town and its indebtedness made to the Town Meeting must be provided by mail, e-mail or hand delivery to each Town Meeting member, posted on the Town website and a (hard copy) picked up in the Town Clerk’s Office at least 48 hours in advance of the Town Meeting when such expenditure is to be considered. Town Meeting may waive this requirement for any single appropriation with a 2/3 vote of the quorum.

Yeas: 38 Nays: 1 at 9:17 p.m.

Article 25 passed as Amended.

The Moderator stated that there will be a short recess.

The Moderator called the session back to order at 9:33 p.m.

Mr. Manoogian moves Article 26.

Seconded at 9:35 p.m.

Article as written:

Article 26. To see if the Town meeting will vote to establish a new bylaw, 517.00, that creates a permanent standing committee of the Town Meeting known as the Audit Committee.

517.00

Town Meeting will appoint an Audit Committee that shall consist of five town meeting members elected by a majority vote of the town meeting, for the duration of the town meeting term elected, at the first meeting following an election. Vacancies shall be filled in the manner of original selection.

Section 1 – Purpose

- 1) To increase public confidence and trust in the financial operations of town government.
- 2) To instill accountability, integrity, and efficiency in the financial operations of the Town of Saugus.
- 3) To support town government efforts to comply with those laws and regulations by which the town is governed.

Section 2 – Functions

The Audit Committee will:

- 1) Analyze and evaluate selected appropriations made by town meeting as determined by the committee or upon recommendation of the town meeting or on petition by any ten (10) members.
- 2) Review financial statements or transactions of the town financial offices.
- 3) Review annual financial statements of the town financial offices and the independent auditor's financial statements.
- 4) Review the efficacy of internal fiscal controls and encourage corrective action on those control or accounting issues identified in the independent auditor's "management letter".
- 5) Identify opportunities for cost and efficiency improvements.
- 6) Be non-budgeted and obtain essential copying and reproduction needs from the Town Manager of his/her designee.
- 7) Orient new members and encourages continued education of its members.
- 8) Utilize the Town Accountant as the liaison for information that the Committee needs to do its review and study work.
- 9) Issue at least one written annual report at least 48 hours prior to the commencement of the Annual Town Meeting. Said report shall also be posted on the town's website.

Section 3 – Qualifications

- 1) Professional training and/or experience in accounting, finance, law or general management is desired.
- 2) No member of any board, commission or other committee of the town, whether elected or appointed, and no town employee or school employee, shall be a member of the audit committee.
- 3) Members shall be familiar with and maintain a familiarity with relevant state laws, regulations, and pending legislation that may impact the town.

(Peter Manoogian)

Mr. Kramich moves to amend Article 26 by striking out "five Town Meeting Members" and inserting "Three Town Meeting Members and two domiciled residents, chosen by the Town Meeting Members appointed, who have no current or previous financial interest in town appropriations that have occurred within the previous thirty six months to their appointment."

Seconded at 9:39 p.m.

Mr. Stewart moves to amend Article 26 by striking out "and no Town Employee or School Employee".

Mr. Manoogian, Mr. Rossetti, and Mr. Vadala all spoke on the Article.

Mr. Sweezey moves to Amend Article 26 by striking out "by any ten (10) Members", and inserting "by a Majority Vote of Town Meeting members".

Mr. Manoogian, Mr. DiNardo, and Ms. Faiella proceeded to discuss the Article.

Mr. Stewart's Amendment was seconded at 10:10 p.m.

Timothy Hawkes, Stephen Sweezey, Jeffrey Moses and Maureen Dever, who asked for a roll call vote, all spoke on the Article, as well as Mr. Vadala and Mr. Manoogian.

Ms. Dever asks to move the question.

Seconded at 10:25 p.m.

Mr. Maltais spoke on the Article and Ms. Dever withdrew her motion to move at 10:27 p.m.

Albert DiNardo and Mr. Stewart spoke further on the subject.

Vote on Mr. Stewart's Amendment.

Yeas: 21 Nays: 17 at 10:34 p.m.

Stewart Amendment Passes.

Mr. Sweezey's Amendment is seconded at 10:35 p.m.

Vote on Mr. Kramich's Amendment.

Yeas: 19 Nays: 19 at 10:39 p.m.

Seeing there is a tie vote, the Moderator votes No on Kramich Amendment.

Kramich Amendment does **NOT** pass.

Vote on Sweezey Amendment.

Yeas: 18 Nays: 20 at 10:41 p.m.

Sweezey Amendment does **NOT** pass.

Peter Vadala moves to Amend Article 26 to add "10) Ensure that financial statements or transactions under consideration by the Committee shall be analyzed and audited by Committee Members not party to those transactions or financial statements."

Seconded at 10:44 p.m.

Mr. Vadala stated that his amendment would ensure that members are not auditing themselves.

Vote on Vadala Amendment.

Yeas: 22 Nays: 13 at 10:45 p.m.

Vadala Amendment Passed.

Article as Voted:

Article 26. Voted to establish a new bylaw, 517.00, that creates a permanent standing committee of the Town Meeting known as the Audit Committee.

517.00

Town Meeting will appoint an Audit Committee that shall consist of five town meeting members elected by a majority vote of the town meeting, for the duration of the town meeting term elected, at the first meeting following an election. Vacancies shall be filled in the manner of original selection.

Section 1 - Purpose

- 1) To increase public confidence and trust in the financial operations of town government.
- 2) To instill accountability, integrity, and efficiency in the financial operations of the Town of Saugus.
- 3) To support town government efforts to comply with those laws and regulations by which the town is governed.

Section 2 - Functions

The Audit Committee will:

- 1) Analyze and evaluate selected appropriations made by town meeting as determined by the committee or upon recommendation of the town meeting or on petition by any ten (10) members.
- 2) Review financial statements or transactions of the town financial offices.
- 3) Review annual financial statements of the town financial offices and the independent auditor's financial statements.
- 4) Review the efficacy of internal fiscal controls and encourage corrective action on those control or accounting issues identified in the independent auditor's "management letter".
- 5) Identify opportunities for cost and efficiency improvements.
- 6) Be non-budgeted and obtain essential copying and reproduction needs from the Town Manager of his/her designee.
- 7) Orient new members and encourages continued education of its members.
- 8) Utilize the Town Accountant as the liaison for information that the Committee needs to do its review and study work.
- 9) Issue at least one written annual report at least 48 hours prior to the commencement of the Annual Town Meeting. Said report shall also be posted on the town's website.

- 10) Ensure that financial statements or transactions under consideration by the Committee shall be analyzed and audited by Committee Members not party to those transactions or financial statements.

Section 3 – Qualifications

- 1) Professional training and/or experience in accounting, finance, law or general management is desired.
- 2) No member of any board, commission or other committee of the town, whether elected or appointed, shall be a member of the audit committee.
- 3) Members shall be familiar with and maintain a familiarity with relevant state laws, regulations, and pending legislation that may impact the town.

ALLAN, P.	y	FALASCA, T.	y	MORIELLO, G.	a
ATTUBATO, J	y	FOWLER, J.	y	MOSCHELLA, D.	a
BARTOLO, J.	y	GILLIS, J.	y	MOSES, J.	y
BILLINGLSEY, S.	y	GOODWIN, P.	y	PALCZYNSKI, J.	a
BOESEL, E.	a	GROARK, L.	y	PETKEWICH, P.	y
BROOKS, W.	y	HAWKES, T.	y	POLITANO, K.	n
CARLSON, E.	y	JOHNSON, P.	n	RING, D. S.	y
CICOLINI, J.	y	JONES, W.	a	RODENHISER, J.	y
CONNORS, A.	a	KRAMICH, W.	y	ROSSETTI, P.	n
COTTAM, D.	y	LEUCI, J.	y	SERINO, A.	y
D'ANNA, S.	y	LONG, R.		SPENCER, B.	y
DEVER, M.	n	LOPRESTI, A.	a	STEWART, W.	y
DEVLIN, F.	y	MALONE, B.	a	SULLIVAN, B.	y
DINARDO, A.	y	MALTAIS, S.	y	SWEEZEY, S.	y
DOCKERY, M.	y	MANOOGIAN, P.	y	VADALA, P.	y
DOHERTY, S.	y	MCCARTHY, S.	a	VECCHIO, M.	a
FAIELLA, E.	n	MCLAUGHLIN, P.	y		

Yeas: 34 Nays: 5 at 10:47 p.m.

Article 26 Passed as Amended.

Mr. Moses moves to adjourn to June 18th, 2012 at 7:30 p.m. in the Town Hall Auditorium.

Seconded at 10:49 p.m.

Unanimous Voice vote to adjourn to June 18th.

Respectfully submitted,

Joanne D. Rappa
Town Clerk